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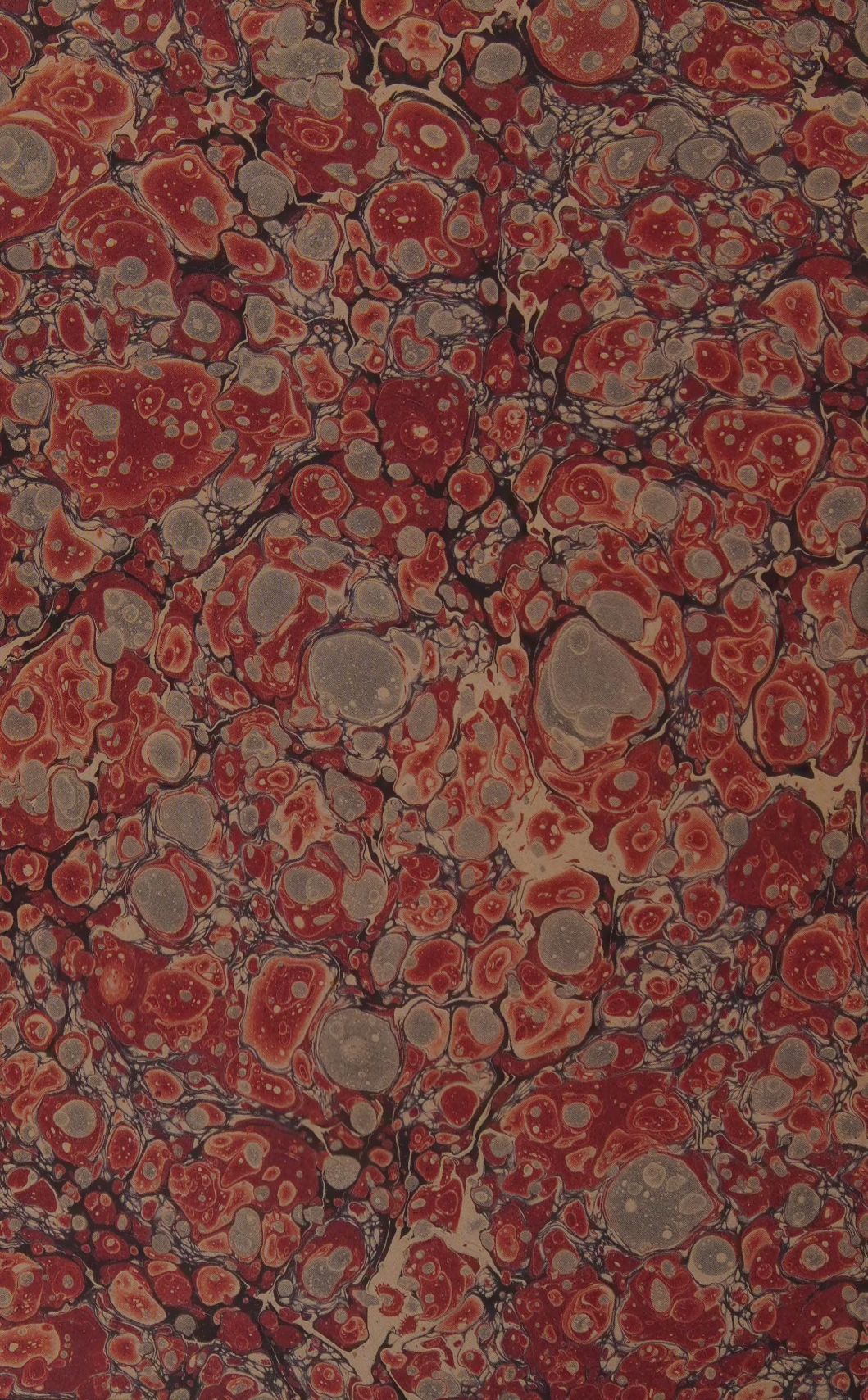

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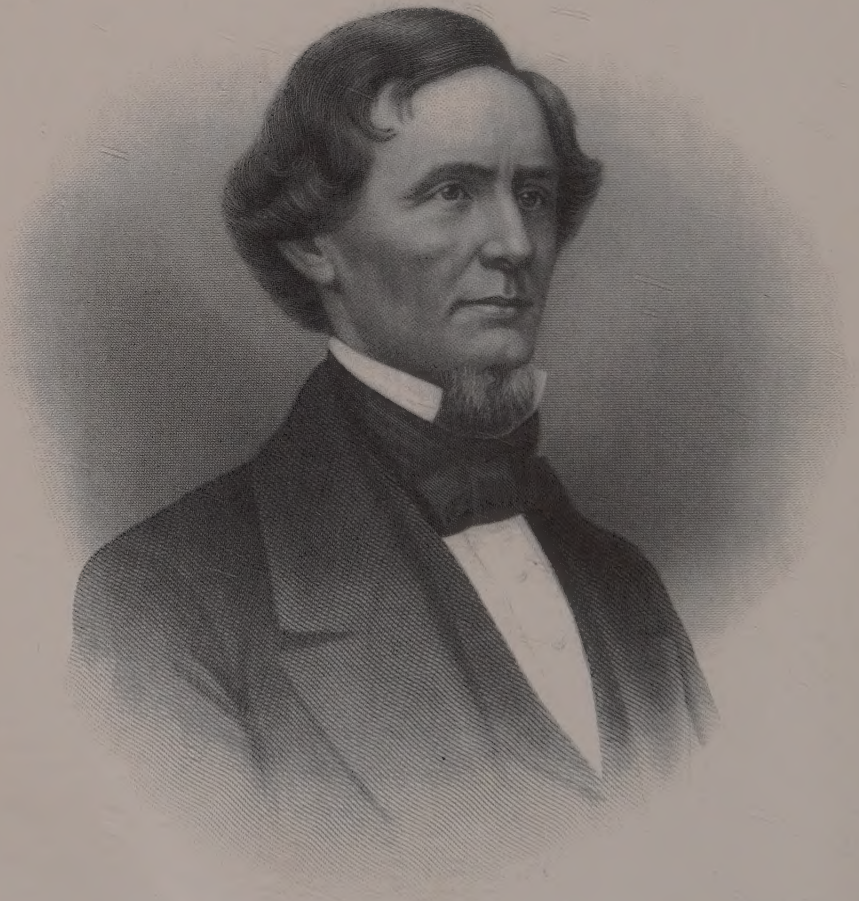

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CONFEDERATE MILITARY HISTORY

A LIBRARY OF CONFEDERATE STATES HISTORY, IN TWELVE VOLUMES, WRITTEN BY DISTINGUISHED MEN OF THE SOUTH, AND EDITED BY GEN. CLEMENT A. EVANS OF GEORGIA. . . . .

VOL. I.

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PREFACE.

THIS work is the result of contributions by many Southern men to the literature of our country that treats of the eventful years in which occurred the momentous struggle called by Mr. A. H. Stephens "the war between the States." These contributions were made on a well-considered plan, to be wrought out by able writers of unquestionable Confederate record who were thoroughly united in general sentiment and whose generous labors upon separate topics would, when combined, constitute a library of Confederate military history and biography. According to the great principle in our government that One may result from and be composed of Many—the doctrine of *E pluribus unum*—it was considered that intelligent men from all parts of the South would so write upon the subjects committed to them as to produce a harmonious work which would truly portray the times and issues of the Confederacy and by illustration in various forms describe the soldiery which fought its battles. Upon this plan two volumes—the first and the last—comprise such subjects as the justification of the Southern States in seceding from the Union and the honorable conduct of the war by the Confederate States government; the history of the actions and concessions of the South in the formation of the Union and its policy in securing the existing magnificent territorial dominion of the United States; the civil history of the Confederate States, supplemented with sketches of the President, Vice-President, cabinet officers and other officials of the government; Confederate naval history; the morale of the armies; the South since the war, and a connected outline of events from the beginning of the struggle to its close.

The two volumes containing these general subjects are sustained by the other volumes of Confederate military history of the States of the South involved in the war. Each State being treated in separate history permits of details concerning its peculiar story, its own devotion, its heroes and its battlefields. The authors of the State histories, like those of the volumes of general topics, are men of unchallenged devotion to the Confederate cause and of recognized fitness to perform the task assigned them. It is just to say that this work has been done in hours taken from busy professional life, and it should be further commemorated that devotion to the South and its heroic memories has been their chief incentive.

CLEMENT A. EVANS, Editor.

It is fit that a few words be said here regarding the authorship of these volumes, in a general way to express the gratitude of the publishers for the hearty co-operation and patriotic spirit of all the distinguished gentlemen who have contributed to this work, and specially to note briefly those facts regarding the life of each that commend them alike to the confidence of the South and the high regard of the student who seeks historical authority.

Hon. J. L. M. Curry, LL.D., who writes upon "The legal justification of the Southern States in their ordinances of secession, and the honorable course of the Confederate States government in the conduct of the war," has had a long and eminent career familiar to the people of the South. During the important period, 1857 to 1861, he represented his Alabama district in the Congress of the United States, and upon the secession of his State he was elected a delegate to the first provisional Congress, at Montgomery, and a member of the first Confederate States Congress, at Richmond. After the close of his term he served in the field in Georgia and Alabama. Subsequently he entered upon religious and educational work, was president of Howard college, a professor of

Richmond college, Virginia, and since 1881 general agent of the Peabody educational fund. During the first administration of President Cleveland he represented the United States as minister to Spain, and his experiences in that country are related in one of the several contributions which he has made to literature.

Prof. William R. Garrett, author of the history of the South as a factor in the formation and extension of the Constitutional Union, is a Virginian by birth and was graduated at William and Mary college. He enlisted as a private in Col. B. S. Ewell's regiment, but soon afterward became captain of an artillery company which won the praise of Gen. J. E. B. Stuart at the battle of Williamsburg. His subsequent service was as adjutant, first of a battalion of partisan rangers in Tennessee, and later of the Eleventh Tennessee cavalry regiment, until he was surrendered with General Forrest at Gainesville, Ala. Returning to Virginia, he became master of the grammar school of William and Mary college, but in 1868 he made his home in Tennessee, where he has devoted his talents to the cause of education. He has been State superintendent of public instruction, was president of the international meeting of the National educational association at Toronto, and is professor of American history at Peabody normal college, editor of the American historical magazine, vice-president and chairman of the historical committee of the Tennessee association of Confederate soldiers, and member of the committee on history of the United Confederate Veterans.

Gen. Clement A. Evans, in addition to the editorship of these volumes, has contributed a monograph upon the civil history of the Confederate States, treating specially of the political events of the period, also a brief general view of the military history. General Evans is familiar to the people of the South, through his gallant service in the army of Northern Virginia—at the close commanding Gordon's division; his prominence in the national

organization of United Confederate Veterans, and his distinction as a citizen of the great State of Georgia. His lucid and forceful exposition of the history of the Confederate States government, in its relation to the States, the people, and other national governments, is an essential part of this historical library.

Lieut. William Harwar Parker, of gallant record both in the navies of the United States and Confederate States, just before the close of his life contributed to this work the sketch of the Confederate States navy which appears in the final volume. A practiced writer on historical, and scientific subjects, no one could have been found better qualified to present, in the brief space which could be allotted, an account of the gallant deeds of the navy. He entered the service of the Confederate States after twenty years' connection with the old United States navy, during which he had participated in the war with Mexico, and sailed upon the first cruise, in the Pacific, of the Merrimac. His gallant performance of duty on the North Carolina coast early in 1862, was followed by memorable service in the famous battle of the ironclads in Hampton Roads, and on the Palmetto State in Charleston harbor. Subsequently he organized and was superintendent of the Confederate States naval academy until the close of hostilities. In the course of his subsequent career he served as president of the Maryland agricultural college, and as minister of the United States to Corea during the first administration of President Cleveland.

"The Morale of the Confederate Armies," a chapter demonstrating the high character of the Confederate soldier, his unflinching endurance of hardship, unyielding allegiance to principle, and unfaltering obedience to orders, is the subject of a chapter of the final volume, from the pen of the gifted Confederate chaplain, Rev. John William Jones, D. D. His career in the army, first as a private soldier, afterward as chaplain of his Virginia

regiment, and of A. P. Hill's corps, army of Northern Virginia, marching with the soldiers, going with them into battle, and ministering to them in hospital, from Harper's Ferry to Appomattox, qualifies him in an exceptional manner for an adequate treatment of this subject. His life since the war has been consecrated to religious and benevolent work in the South, and to preservation in literature of the memories of the great conflict for Southern independence.

Gen. Stephen D. Lee, who entered the Confederate service as an officer of artillery, from South Carolina, rose to great prominence in that army at the time of the battle of Sharpsburg; then being sent to the Mississippi river, defeated Gen. W. T. Sherman at Chickasaw bayou; was afterward in command of the department of Mississippi and East Louisiana, and from Atlanta to Bentonville commanded Hood's corps of the army of Tennessee, with the rank of lieutenant-general. Since the close of the war he has devoted himself to the vital interests of his beloved South, along the line of technical education, and for several years has been president of the Mississippi Agricultural and Mechanical college. He is thoroughly in sympathy with the Confederate soldier, and is honored by the order of United Confederate Veterans with the rank of lieutenant-general and the position of chairman of the historical committee. General Lee has prepared for the final volume of this work an able statement of the political history of the South since the war, and an enthusiastic résumé of its present material development and prospects.

Gen. Bradley T. Johnson, the gallant organizer and leader of the Maryland Line, distinguished in many of the battles of the army of Virginia, one of the most brilliant regimental and brigade commanders under Stonewall Jackson and Robert E. Lee, and for a time in command of division, is the author of the military history of Maryland, a subject which he is eminently qualified to

handle. With a facile pen he has traced the history of his State, in so far as it was involved in the Confederate war.

Col. Robert White, of Wheeling, W. Va., a distinguished attorney familiar to the veterans of the South through his prominence in the order of United Confederate veterans as major-general commanding the West Virginia division, is a native of Hampshire county, of the original State of Virginia. As a captain of volunteers he reported to Col. T. J. Jackson at Harper's Ferry in the spring of 1861. Subsequently he raised a battalion of cavalry within the enemy's lines, which he commanded with gallantry, finally becoming colonel of the Twenty-third Virginia cavalry, of which his battalion was the nucleus. At the close of hostilities he had a record of gallant participation in fifty-six cavalry fights. In the preparation of the history of West Virginia he has given much time and pains to the collection of data in a field peculiarly unfavorable for the preservation of records, and his work will doubtless remain the authoritative statement of the Confederate history of that region.

Almost the last work of the lamented Major Jed Hotchkiss, of Staunton, Va., was the completion of his history of Virginia. Very soon after he laid down the pen with which he traced the record of the war in Virginia, and of the great army which was led by Robert E. Lee, he was called to the rest of the soldier and Christian. As topographer and staff officer under Garnett, Lee, Jackson, Ewell and Early, he was undoubtedly more familiar with the battlefields of Virginia than any other man, and it is fortunate for the students of to-day and of future generations that his account of the war in that region should be here preserved. Particularly in regard to the Valley campaigns of Stonewall Jackson and Early, and the campaigns of the Second corps of the army of Northern Virginia, he was an historical authority. Much of what he has written for this work is from his personal

records and recollection, and the work is also indebted to him, originally, for many of the maps which are reproduced from the War Records.

Prof. D. H. Hill, author of the North Carolina history, bears a name familiar to the readers of this work, that of his gallant father, Lieut.-Gen. Daniel H. Hill. His mother, a sister of the wife of Lieut.-Gen. Thomas J. Jackson, is a daughter of Rev. Dr. Morrison, of North Carolina, who was a relative of the distinguished Illinois congressman, William Morrison. Professor Hill has devoted his life to the work of education, beginning his career, after his graduation at Davidson college, North Carolina, as professor of English in the Georgia military and agricultural college, at Milledgeville, under the presidency of his father, and afterward. In 1889 he was appointed to the position he now holds, the chair of English in the Agricultural and Mechanical college of North Carolina.

Gen. Ellison Capers, whose task it has been to present the important part taken by South Carolina in the great war, is well equipped for the duty by his birthright as a descendant of one of the earliest families of that State, and his patriotic service with her troops. He was identified with the military operations in the State, mainly the defense of Charleston and the railroad communications of the city, until the situation became dangerous in the West. Thereafter he was a participant in the great campaigns for the defense of the heart of the Confederacy, until he fell, severely wounded, before the Federal works at Franklin, Tenn. One of the most gallant affairs of the war in that important mountain region south of Chattanooga, was his memorable defense of Ship's gap, covering Hood's retreat from North Georgia in the fall of 1864. Entering the ministry of the Protestant Episcopal church, after the war, he is now bishop of the diocese of South Carolina.

Prof. Joseph T. Derry, author of the military history of

Georgia, is a native of Milledgeville, of that State, was graduated at Emory college in 1860, and in January, 1861, enlisted in the Oglethorpe infantry, a famous military company, that served throughout the war. Mr. Derry was on duty in Virginia, Tennessee, on the Georgia coast and in the Atlanta campaign of 1864, his service being terminated by capture on the skirmish line at Kenesaw Mountain, June 27th, after which he was a prisoner of war at Camp Douglas, Chicago, for about one year. Since his return to Georgia his life has been devoted to educational work. For several years he was professor of languages at the Wesleyan Female college at Macon, Ga. He is the author of a "School History of the United States," "The Story of the Confederate States," and has contributed articles to the Century and other magazines.

Col. J. J. Dickison, major-general commanding the United Confederate Veterans of Florida, is the author of the war history of that State. He is a native of Virginia, was educated in South Carolina, and became a citizen of Florida in 1856. He was identified with the organization of troops for Confederate service from the beginning, and soon becoming distinguished for ability as a cavalry leader, was intrusted with the defense of the eastern part of the State from the incursions of the enemy who held the seaports. Fighting for Florida from the opening to the close of the war, he was the Marion of his State, and achieved fame throughout the Confederacy.

Gen. Joseph Wheeler, of Alabama, who has prepared for this work an account of the part taken by his State and her people in the great conflict of 1861-65, is beloved by all the people of the South, as he has been since his days of gallant leadership as one of the great cavalry generals of the Confederacy. His laurels were won, and his rank of lieutenant-general attained, before he had reached the age of thirty years. The middle period of his life was given to the civil interests, the restoration of the prosperity, and the re-establishment of the political status of

his people, whom he has continuously represented in the United States Congress. In the past year, and just after he had prepared the Alabama war history for this work, he renewed his military reputation as major-general of United States volunteers, commanding the cavalry in the Santiago campaign of the war with Spain, and attracted to himself, in addition to the love of the South, the admiration and pride of fellow-citizenship of the people in all parts of the united nation.

Col. Charles E. Hooker, of Jackson, Miss., author of the military history of that State, entered the Confederate service in 1861 as a volunteer in the First Mississippi regular artillery, and was captain of his company during the siege of Vicksburg, when he lost his left arm. He was surrendered with the army under General Pemberton, and upon being exchanged was promoted o colonel and assigned to duty as a member of the military court for the army of Mississippi. He was leading counsel in the defense of President Jefferson Davis during the trial at Richmond; was selected as the orator for the reunion of the United Confederate veterans at Atlanta, July, 1898, and as a citizen of Mississippi since the war has had honorable prominence as attorney-general for two terms, and member of Congress for sixteen years.

Hon. James D. Porter, author of the military history of Tennessee, entered the Confederate States service in 1861 as adjutant-general, with the rank of captain, on the staff of Gen. B. F. Cheatham, and with promotion to major he was on duty during the course of the war, either as a staff officer or as acting lieutenant-colonel of a regiment. His association with the army of Tennessee peculiarly qualifies him to give a correct account of its operations. His career since the war has been one of prominence. He was a member of the constitutional convention of 1870, judge of the western circuit of the State, governor of Tennessee from January, 1875, to January, 1879, assistant secretary of State of the United

States during Cleveland's first administration, and minister to Chili in 1892-96.

Col. J. Stoddard Johnston, of Louisville, author of the history of Kentucky for this work, is a native of New Orleans, was reared in Kentucky, and educated at Yale college and the Louisville law school. His service during the war as a staff officer with Generals Bragg, Buckner, Breckinridge and Echols, with the army of Tennessee and in the department of East Tennessee, where the Confederate soldiers of Kentucky were mainly engaged, enables him to follow their record through the four years with intelligence and just appreciation. Since the war period Colonel Johnston has held the offices of adjutant-general and secretary of state of Kentucky.

The preparation of a military history of Missouri was intrusted to Col. John C. Moore, of Kansas City, and his finished work may be confidently submitted to the verdict of the reader. Colonel Moore is well known as an accomplished writer, and for this work he is specially fitted by his Confederate service as a staff officer with Generals Marmaduke and Magruder, and as colonel commanding a regiment with Gen. Jo Shelby. The years that he has given to historical studies bearing on the general Confederate subject, and his complete sympathy with Southern ideas and ideals, have further equipped him for this faithful presentation of Missouri's part in the great conflict.

Col. John M. Harrell, of Hot Springs, Ark., has brought to the preparation of the war history of his State memories of four years' service in her defense, and the ripened intellectual powers of a life devoted to the profession of law, in which he yet maintains a high rank. As a staff officer with Generals Holmes and Breckinridge he had opportunities for gaining valuable information regarding the operations which he now describes. As colonel of cavalry, also, and as commander of Cabell's brigade in the latter part of the war, he took a conspic-

uous part in the campaigns in Arkansas, Missouri, Kansas and Indian Territory. The important military operations in that region, too often neglected in a view of the far-reaching war, are clearly and adequately presented in Colonel Harrell's work.

The military history of Louisiana has found spirited treatment at the hands of John Dimitry, A. M. Mr. Dimitry, now engaged in journalism and literary pursuits, is the eldest son of the late eminent scholar, Prof. Alexander Dimitry, and since his boyhood has been identified with Louisiana. Returning in 1861 from Central America, where he acted as secretary to his father, United States minister, he enlisted in the famous Crescent regiment of New Orleans, and going into battle at Shiloh received a severe and disabling wound. Subsequently he became chief clerk of the postoffice department at Richmond under Postmaster-General Reagan. He accompanied the presidential party in April, 1865, as far as Washington, Ga. On his return to Louisiana he wrote the famous epitaph for Albert Sidney Johnston, which is now carved upon the tomb erected by the association of the Army of Tennessee, at New Orleans.

Gov. Orin M. Roberts, author of the Texas history, is another who, since the completion of his work, has passed to the reward of an honorable life. He was a native of South Carolina, a descendant of Revolutionary ancestors, a graduate of the university of Alabama, and in 1840 a settler in Texas. As a lawyer at San Augustine he gained distinction; became district judge, and later associate justice of the supreme court. In 1860 he was president of the State convention called to decide the future status of the commonwealth. When the war began, he organized a regiment, of which he became colonel, serving until the close of hostilities with a creditable record. He was elected to the United States senate immediately after the war, but was refused his seat; was chief justice of Texas 1874-78, and governor of the State 1878-84.

Subsequently he was for ten years professor of law in the State university.

The illustrations include portraits of the leaders of the Confederacy, both in the civil administration and on the field of battle. Maps have been especially engraved to show each State as it was in the war period, indicating the battlefields and routes of important military movements. A great many battle maps are also given, where possible from Confederate sources, for which the publishers are indebted to the admirable atlas accompanying the Official Records of the Union and Confederate Armies.

The biographical department of this work includes sketches of the lives of the President, Vice-President and cabinet, other prominent officials of the government, and the war governors, and covers every grade in the military service. It has been the object of the Editor and Publishers to present brief biographies of every general officer commissioned by the Confederate States as such, and in addition, of as many of subordinate grades as would give to the reader and preserve for the study of future ages an adequate picture of that wonderful and unsurpassed character—flower of the manhood of the century now hurrying to an end—the Confederate Soldier.

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LEGAL JUSTIFICATION OF THE SOUTH IN SECESSION.

BY

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THE Southern States have shared the fate of all conquered peoples. The conquerors write their history. Power in the ascendant not only makes laws, but controls public opinion. This precedent should make the late Confederates the more anxious to keep before the public the facts of their history, that impartial writers may weigh and properly estimate them in making up the verdict of an unbiased posterity. Besides, as they have been the objects of persistent misrepresentation, and authentic records have been perverted to their prejudice, their descendants are liable to receive and hold opinions hostile and derogatory to their fathers.

In this series of volumes, pertaining to the history of the Confederate States, all concerned wish to disclaim in advance any wish or purpose to reverse the arbitrament of war, to repeal the late amendments to the Constitution, to revive African slavery, or secession as a State right or remedy; or to organize any party, or cultivate an opinion, which, directly or indirectly, shall inculcate disloyalty to the Union, or affect the allegiance of citizens to the Federal government. Let it be stated, once for all, that this argument as to the right of the South to be protected in property in slaves and the exclusive right of a State to be the final judge of the powers of the general government and to apply suitable remedies, is based on the Constitution and the rights of the

States as they existed in 1860.* The amendments made, since that year, in Federal and State constitutions, put an entirely new and different phase on the subjects discussed, for these changes have expurgated slavery and secession from our institutions. Our sole object is to present the Southern side of the controversy as it existed in 1860 and to vindicate it from accusations and aspersions which are based on ignorance and injustice. As the South is habitually condemned and held criminal for seeking to perpetuate a great wrong, it is well to inquire and investigate who was responsible for the state of things which precipitated and prolonged the crisis of 1860–1865. If the act of secession cannot be justified the Southern people will be stigmatized as a brave and rash people deluded by bad men who attempted in an illegal and wicked manner to overthrow the Union. Painfully are we conscious of the disadvantages in any effort to vindicate the motives and principles and conduct of the Southern States and secure a rehearing and readjudication of a suit which seems to have been settled adversely by the tribunal of public opinion. We have a right to ask of our fellow citizens and of the world a patient and fair hearing while we present anew the grounds of our action. We challenge the closest scrutiny of facts and arguments, and if they cannot be disproved and refuted, justice and honesty demand a modification or reversal of the adverse judgment. Few writers seem to comprehend the underlying idea of secession, or the reasons for the establishment of the Southern Confederacy. Swayed by passion or political and sectional animosity, they ignore the primary facts in our origin as a government, the true principles of the Constitution, the flagrant nullifications of the Northern States; and, when they philosophize, conclusions are drawn from false premises and hence injustice is done. Too often, in the endeavor to narrate the deeds of and since the war, prejudiced and

* See resolutions of Pennsylvania legislature in 1811.

vicious statements as to character and motives have been accepted and acted on as verifiable or undeniable facts.

In deciding upon the rightness or wrongness of secession, in passing judgment upon the Confederate States, it is essential to proper conclusions that the condition of affairs in 1860 be understood and that clear and accurate notions be had of the nature and character of the Federal government and of the rights of the States under the constitutional compact. And here, at the threshold, one is confronted by dogmas which are substituted for principles, by preconceived opinions which are claimed to be historical verities, and by sentimentality which closes the avenues to the mind against logic and demonstration. To a student of our political and constitutional history it is strange how stubborn historical facts are quietly set aside and inferences and assumptions are used as postulates for huge governmental theories. These errors are studiously perpetuated, for in prescribed courses of reading in civics and history are books full of grossest misstatements teaching sectional opinions and latitudinous theories, while works which present opposite and sounder views are vigorously excluded. *State rights* is perhaps the best term, although not precise or definite in its signification, for suggesting the view of the Constitution and of Federal powers, as held by the Southern States. During the administration of General Washington, those who were in favor of protecting the reserved rights of the States against threatened or possible encroachment of the delegated powers assumed the name of the Republican party, but were often called the State Rights party.* There is no ultimate nor authoritative appeal

* "In the great historic debate in the Senate in 1830, Robert Y. Hayne, of South Carolina, said that they assumed the name of Democratic Republicans in 1812. True to their political faith they have always been in favor of limitations of power, they have insisted that all powers not delegated to the Federal government are reserved, and have been constantly struggling to preserve the rights of the States and to prevent them from being drawn into the vortex and swallowed up by one great consolidated government. As con-

for determining the political differences between the North and South except the Constitution, but some preliminary inquiries, answers to which will be suggestive and argumentative, may aid in understanding and interpreting that instrument.

Our Constitution is not a mere temporary expedient. It exists in full force until changed by an explicit and authentic act, as prescribed by the instrument, and in its essential features is for all time, for it contains the fundamental principles of all good government, of all free representative institutions. Among these requisites, unalterable by changing conditions of society, are individual liberty, freedom of labor, of human development, rights of conscience, equality of the States, distribution of political powers into independent executive, legislative and judicial departments, and a careful restriction of those powers to public uses only, the healthy action of concurrent majorities, a careful safe-guarding that the power which makes the laws and the power which applies them shall not be in the same hands, and local self-government. The people are ultimately the source of all political power, and the powers delegated are in trust, alterable or terminable only in a legitimate and prescribed manner. Changes cannot be made to conform to a supposed moral sense, or to new environments, neither by the "fierce democracy," nor by the action of a department, nor by a combination of all departments.

To obtain a correct comprehension of the dignity and power of the States it is well to consider them as they emerged from their colonial condition, having waged a tedious and successful war against the mother country, having achieved separate independence and established a

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firmatory of the statement that the South has been misrepresented and villified through ignorance, it may be said that, while school boys are familiar with Webster's eloquent periods, few writers and politicians have read the more logical and unanswerable argument of Hayne."

new form of government, a federal union of concurrent majorities, under a written constitution. The American colonies have not had sufficient importance ascribed to them for their agency in achieving civil and religious liberty; and, with their rights and powers as separate governments, as the potential forerunners of our constitutional, representative, federal republic. The institutions founded in this western world, in the essential elements of law and freedom, were far in advance of contemporary transatlantic institutions. The relations they sustained to one another and to the controlling English government, their large measure of local administration, must be clearly comprehended to do them justice for what they wrought out and to understand what character and power they preserved as States in the government of their creation under the Federal constitution. Their precise political condition prior to the Revolution cannot be obscured. The colonies were separate in the regulation of domestic concerns, in home affairs, but sustained a common relation to the British empire. The colonists were fellow subjects, owed allegiance to the same crown, had all the rights, privileges and liabilities of every other British subject.* The inhabitants of one colony owed no obedience to the laws, were not under the jurisdiction of any other colony; were under no civil obligation to bear arms or pay taxes, or in any wise to contribute to the support or defense of another, and were wholly distinct and separate from all others in political functions, in political rights, and in political duties. In so far as all the colonists were one people and had common rights, it was the result of their mutual relation to the same sovereign, of common dependence on the same head, and not any result of a relation between them-

* Some of these principles are ably discussed by the Hon. Thomas F. Bayard in an address, 7th of November, 1895, before the Edinburgh Philosophical Institution, the same paper which excited the partisan ire of the House of Representatives in 1896.

selves. There was neither alliance nor confederacy between the colonies.

When hostilities between Great Britain and the colonies became imminent, because of adverse imperial legislation and the unlimited claim of the right of taxation, and united effort was obvious and imperative, to relieve themselves from the burdens and injustice of the laws and the claims of a distant government, the colonies, each acting for itself, and not conjointly with any other, sent deputies to a general congress, and when the body assembled each colony had a single vote, and on all questions of general concern they asserted and retained their equality. The Congresses of 1774, 1775 and 1776 were occasional and not permanent bodies, claimed no sovereign authority, had no true governmental powers, and seldom assumed to go beyond deliberation, advice and recommendation. When under stress of war and the danger of or impossibility of delay they acted as a *de facto* government, their acts were valid, had the force and effect of law only by subsequent confirmation or tacit acquiescence. The common oppressions and dangers were strong incentives to concert of action and to assent and submission to what was done for resistance to a common enemy. There never was any pretense of authority to act on individuals, and in all acts reference was had to the colonies, and never to the people, individually or as a nation.

Virginia made a declaration on the 12th of June, 1776, renouncing her colonial dependence on Great Britain and separating herself forever from that kingdom. On the 29th of June, in the same year, she performed the highest function of independent sovereignty by adopting and ordaining a constitution, prescribing an oath of fealty and allegiance for all who might hold office under her authority, and that remained as the organic law of the Old Dominion until 1829.

The Declaration of Independence, subsequently on the

4th of July, was an act of Congress declaring absolution of the colonies from allegiance to the crown and government of Great Britain and that they were "free and independent States." The Congress which made this Declaration was appointed by the colonies in their separate and distinct capacity. They voted on its adoption in their separate character, each giving one vote by all its own representatives who acted in strict obedience to specific instructions from their respective colonies, and the members signed the Declaration in that way. The members had authority to act in the name of their own colony and not of any other, and were representatives only of the colony which appointed them. Judge Story, in his "Commentaries on the Constitution," reasons upon this instrument as having the effect of making the colonies "one people," merging their existence as separate communities into one nation. The Declaration of Independence is often quoted as an authoritative political document defining political rights and duties, as on a parity with the Constitution, and as binding parties and people and courts and States by its utterances. The platform of the Republican party in 1856 and 1860 affirms the principles of this Declaration to be essential to the preservation of our republican institutions, the Constitution and the rights of the States, when, in truth and in fact, its main and almost its sole object was to declare and justify the separation from, and the independence of, the British crown. In no sense was the paper or the act intended as a bill of rights, or to enunciate the fundamental principles of a republic, or to define the status of the colonies, except in their relation to the mother country. No true American will underrate the significance or the importance of the act of separation from a foreign empire, or hold otherwise than with the highest respect the reasons which our fathers gave in vindication of their momentous and courageous action. Refusing to be subject to the authority of the crown and

the parliament was a heroic undertaking dictated by the loftiest patriotism and a genuine love of liberty. Putting into the minds and hearts of our ancestors more far reaching and prescient purposes than they possessed will not magnify their virtues nor enhance their merit. They met the issues presented with the sagacity of statesmen and were not guilty of the folly of propagandism of the French revolutionists, a few years later. The colonies being distinct and separate communities, with sovereignty vested in the British crown, when the tie which bound them to that sovereignty was severed, upon each colony respectively was devolved that sovereignty and each emerged from provincial dependence into an independent and sovereign State. A conclusive proof of the relation of the colonies to one another and to the revolutionary government is to be found in the recommendation in 1776 for the passing of laws for the punishment of treason, and it was declared that the crime should be considered as committed against the colonies individually and not against them all as united together. The joint expression of separate wills in reference to continued union with England expressed no opinion and suggested no action on the subject of a common government, or of forming a closer union. It completed the severance of the rapidly disuniting ties which bound to the government across the seas. Some of the colonies, prior to the 4th of July, had declared their independence and established State constitutions, and now all, by a more public and stronger and more effective affirmation, united in doing what had by some been separately resolved upon. Ceasing to be dependent communities involved no change in relations with one another beyond what was necessarily incident to separation from the parent country. The supremacy which had previously existed in Great Britain, separately over each colony and not jointly over all, having ceased, each became a free and independent State, taking to herself

what applied to and over herself. The Declaration of Independence is not a form of government, not an enumeration of popular rights, not a compact between States, but was recognized in its fullest demands, when, in 1782, Great Britain acknowledged New Hampshire, Massachusetts, New York, South Carolina, Georgia and the other colonies to be "free, sovereign and independent States."

Stress is laid on the revolutionary government and on the Declaration of Independence by those who are anxious to establish the theory of a national or consolidated government, reducing the States to mere dependencies upon central power. As has been shown, the contention, derived from those sources, is without legal or historical foundation; but the temporary government, largely for war purposes, was superseded by the Articles of Confederation, which, because of the reluctance of the States to delegate their powers, did not become obligatory until 1781, as their ratification by all the States was a condition precedent to their having any binding force. These articles, in explicit terms, incapable of misinterpretation, declare that "each State retains its sovereignty, freedom and independence and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in Congress assembled." There can be no mistake here as to the reservation of entire freedom, entire independence, entire sovereignty. These were retained without qualification or limitation, and the use of the word "retains" is the clearest assertion that these unsurrendered prerogatives were possessed under the previous government.

This historical review was not necessary except argumentatively as throwing light on the real facts, and as raising the strong presumption, to be rebutted only by irrefragable proof, that a state once sovereign has not voluntarily surrendered that ultimate supreme power of self-government or self-existence. While in a colonial

condition the people of the several States were in no proper political sense a nation, or "one people;" by the declaration and the treaty of peace each State became a complete sovereignty within its own limits; the revolutionary government was a government of the States as such through Congress as the common agent, and by the Articles of Confederation each state expressly reserved its entire sovereignty and independence. In all this succession of history there was no trend to consolidation and the most conspicuous feature was the jealous retention by the States of their separate sovereignty.

EQUALITY AND SOVEREIGNTY OF THE STATES.

In forming the Constitution of the United States, from whose ratification our "more perfect union" resulted, did the States surrender their equality and sovereignty and transfer to a central government the powers and rights which in all previous history had been so carefully maintained? This is the crucial question determining the right of the Southern States in 1860 and 1861 to secede from the Union and to establish for their own defense and welfare a new federal union. Obviously this question should be approached and considered and decided, not by prejudice, or passion or sectionalism, or interest, or expediency, or wishes of men; but by the Constitution, in its proper meaning as to rights and powers delegated and rights and powers reserved. Whether secession was wise or unwise, expedient or inexpedient, approved or disapproved by a majority of the States, or of the inhabitants, has no relevancy, nothing whatever to do with this discussion. The naked matter is one of right. Was there a supremacy in Congress, or in any other department of the government of the Union, or did the States assert and retain their sovereignty, as against the world?

The States were not created by the government of the

Union, but antedated and created that organism. Our systems of government are singularly complex and hence unintelligible to many foreigners. There are two divisions of power—that between the people and their governments, and that between the State governments and the government of the Union. The system is compounded of the separate governments of the several States and the one common government of all the members of the Union, called the government of the United States. Each was formed by written constitutions; those of the several States by the people of each acting separately and in their sovereign character, and that of the United States by the same, acting in the same character, but jointly and in concert instead of separately. Both governments derive their power from the same source and were ordained and established by the same authority. These governments are co-ordinate and there is a subordination of both to the people of the respective states. Limited rights are delegated by the people to their governments, or trustees, and all the residue of the attributes of sovereignty are retained. The division of the powers into such as are delegated specifically to the common and joint government of all the States, to be exercised for the benefit and safety of each and all; and the reservation of all to the States respectively, to be exercised through the separate governments, is what makes ours a system of governments. Taking all the parts together, the people of forty-four independent and sovereign States, confederated by a solemn constitutional compact into one great federal community, with a system of government, in all of which powers are separated into the great primary divisions of the *constitution*-making and the *law*-making powers; those of the latter class being divided between the common and joint government of all the States, and the separate and local governments of each State respectively; and finally the powers of both distributed among three separate and independent de-

partments—legislative, executive and judicial—present, in the whole, a political system as remarkable for its grandeur as it is for its novelty and refinement of organization. (Calhoun's Works, 112, 113, 199.) Under the English form of government, this division with limitations is unknown and parliament is supreme. Madison, in the Federalist, says: "The Federal and State governments are, in fact, but different agents and trustees of the people, instituted with different powers and designed for different purposes." Hamilton says: "In the compound republics of America, the power surrendered by the people is first divided between two distinct governments, and the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other at the same time that each will be controlled by itself."

The Union is not the primary social or political relation of those who formed it. The State governments were already organized and were adequate to all the purposes of their municipal concerns. The Federal government was established only for such purposes as the State governments and the confederation could not sufficiently answer, namely, the common purpose of all the States. The people of the States, not as a unit, not in the aggregate, but separately, hold in themselves all governmental power. One portion they granted to the State governments; another to the government of the Union, and the residue they retained undelegated in themselves. The grants were in trust for their benefit, and created the division of political power between the Federal and the State governments, which division constitutes the gist and sum total of the controversy between the government at Washington and the seceding States. During and soon after a war waged for eight years to resist a claim to legislate for them locally and internally, inferred from parliamentary supremacy, the colonies or

states constructed two unions and established in both a division of power bearing a strong similitude to that upon which they were willing to have continued their union with England; namely: yielding to her the regulation of war, peace, and commerce, and retaining for themselves local and internal legislation. The first union "retains" to the States the sovereignty and rights not delegated to the United States; the second "reserves" to the States the powers not delegated to the United States. The first confers upon Congress almost all the powers of importance bestowed by the second, except that of regulating commerce, the second only extends the means for executing the same powers by bestowing on Congress a limited power of taxation; but these means were by neither intended to supersede nor defeat those ends retained or reserved by both. By the first, unlimited requisitions to meet "the charges of war and all other expenses for the common defense and general welfare" were to be made by Congress upon the States. By the second, Congress is empowered to lay taxes, under certain restrictions, to "provide for the common defense and general welfare." A sovereign or absolute right to dispose of these requisitions or taxes without any restriction is not given to Congress by either. The general terms used in both are almost literally the same and, therefore, they must have been used in both under the same impression of their import and effect. (Taylor's Construction Construed, 55.)

An *obiter dictum* of Justice Miller, of the Supreme court, gives point to the value of restrictions and of enforcing them. "To lay with one hand the power of the government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the favor of the law."

THE CONSTITUTION MADE BY STATES.

As everything in this discussion depends on the Constitution it seems prudent to state with some particularity its origin, its establishment and its terms. The confederation was found to be inadequate to the ends of an effective government. The states adopted conflicting and even hostile commercial regulations and trade suffered from these embarrassments. The legislature of Virginia, impressed with the necessity of a government of larger powers, appointed in 1786 commissioners to meet commissioners from other States, at Annapolis, to prepare for adoption by the States a uniform plan of commercial regulations. Some met and recommended to their respective legislatures to appoint delegates to meet in general convention at Philadelphia for the purpose of reforming the government as the interests of the States might require. Congress approved the recommendation and suggested a convention of delegates to be appointed by the several States to meet in Philadelphia and to report to Congress and the several legislatures such alteration of the Articles of Confederation as shall, when agreed to in Congress and *confirmed by the States*, render the federal constitution adequate to the exigencies of government and the preservation of the Union. Accordingly, the convention was composed of deputies appointed by the States, and they voted as States. Madison, in recording their action, on agreeing to the Constitution, says: "It passes in the affirmative, *all the States concurring*." It was transmitted to the several State legislatures to be by them submitted to State conventions and each State for itself ratified at different times, without concert of action, except in the result to be ascertained. As the jurisdiction of a State was limited to its own territory, its ratification was limited to its own people. The Constitution got its validity, its vitality, not from the inhabitants as constituting one great nation, nor from the people of all the States considered as one people,

but from the concurrent action of a prescribed number of States, each acting separately and pretending to no claim or right to act for or control other States. That each of these States had the right to decline to ratify and remain out of the Union for all time to come, no sane man will deny. Rhode Island and North Carolina did, in the undoubted exercise of an undisputed right, refuse to enter the compact until after the government was organized and Washington entered upon his duties as president. "The assent and ratification of the people," says Madison, "not as individuals composing an entire nation, but as composing the distinct and independent States to which they belong, are the sources of the Constitution. *It is, therefore, not a national but a federal compact.*"

Virginia, in her ratification as a distinct, sovereign community, had said: "The delegates do, in the name and in behalf of the people of Virginia, declare and make known that the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby remains with them and at their will." (5 Bulletin of the Bureau of Rolls, 145.) Calhoun's Works, 248–251.

Maryland declared that nothing in the Constitution "warrants a construction that the States do not retain every power not expressly relinquished by them and vested in the general government of the Union." New York more explicitly said: "That the powers of government may be reassumed by the people whenever it should become necessary to their happiness, that every power, jurisdiction and right which is not by the said Constitution clearly delegated to the Congress of the United States or the departments of the government thereof, remains to the people of the several States, or to their respective State governments, to whom they may have granted the same; and that those clauses in the

said Constitution, which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitution; but such clauses are to be construed either as exceptions to certain specified powers or as inserted merely for greater caution." Rhode Island lingered until 1790, and then adopted the cautious phraseology of New York, specifying certain rights and declaring that they shall not be abridged or violated and that the proposed amendments would speedily become a part of the Constitution, gave her assent to the compact, but declared that "the powers of government may be reassumed by the people, whenever it shall become necessary to their happiness." (5 Bureau of Rolls, 140–145, 190, 191, 311.) Other States showed equal concern and jealousy. Besides the clear assertion on the part of ratifying States of the right to reassume delegated powers, a larger number were so apprehensive and distrustful of federal encroachment, so jealous in the maintenance of their respective rights, that they attached bills of rights to their assent, or proposed amendments to restrict the general government; the incorporation of which into the Constitution was earnestly insisted upon.

It has now been demonstrated that with jealous vigilance the States retained their separateness as sovereign communities in all the forms of political existence through which they passed. That they adopted their separate State constitutions in their sovereign character is indisputable. That the deputies who framed the federal constitution were appointed by the several States each on its own authority; that they voted in the convention by States; that their votes were counted by States; that when framed the instrument was submitted to the people of the several States for their independent ratification; that the States ratified and adopted, each for itself, as distinct sovereign communities; that the Constitution had no binding force over a State or its citi-

zens except in consequence of this adoption; that it was valid as a covenant of union, the federal compact, only as between the States so ratifying the same; are facts alike incontestable. All these acts were by the States and for the States, without any participation on the part of the people regarded in the aggregate as forming a nation. Our controversy arose, not so much from these historical incidents (although historians, judges, editors and congressmen have denied or misinterpreted them all) as from the import and effect and construction of the agreement so formally and cautiously made.

Did the act of ratification of itself, or does the Constitution in its grants, divest the States of their character as separate political communities and merge them all into one nation, one American people? The Constitution superseded the Articles of Confederation because the parties to those articles agreed that it should be so. If they have not so agreed, the articles are still binding on the States. In point of fact the Constitution did become obligatory as a compact of government by the voluntary and separate ratification and adoption of the several States. Massachusetts and New Hampshire, in their ratification, call the Constitution a compact, and the federal Union must be so, or the result of a compact, because sovereign States would not otherwise have agreed and expressed their agreement. Some made provisos, others suggested amendments, which make plain the intention of the fathers in entering the Union. The apprehensions of consolidation were so strong that to guard against such a possible evil, provisions to prevent were incorporated in the acts of assent. The right to resume surrendered powers, as affirmed by three of the States, has been mentioned. Massachusetts, South Carolina, New Hampshire and Virginia were so alarmed at the liability to absorption of unsurrendered powers, that they proposed an amendment to the effect that each State shall respectively retain every power, jurisdiction

and right which had not been delegated in the Constitution. This was modified and adopted in regular constitutional form and is known as the Ninth article. All the suggestions were in the nature of limitations and restrictions, showing distrust of centralization and a determined purpose to preserve from invasion or impairment the rights of the States. It was felt that time and experience would show the wisdom of changes and of adaptations to new environments, and thus it was wisely provided that amendments might be made but should be valid only "when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof." As the States only could make a constitution, so three-fourths of them, as separate political corporations, could amend the instrument. The favorite theory of many, that the States were merged into the government of the Union, into an aggregated unit, is an assumption totally irreconcilable with the fact that this same people can neither alter nor amend their government. When that essential function has to be performed, it is indispensable to summon into new life and activity those very State sovereignties, which, by the supposition, lost their individual power and vitality by the very act creating the instrument which they are required to amend. Had the Constitution originated from the people inhabiting the territories of the whole Union, its amendment would have remained to them, as the amendment of a State constitution belongs to the people of a State. But as such a body of associated people is a myth, a figment of the brain, the power of amendment is left in the hands of the existing bodies politic, the creators of the Constitution and of the Union. The positive supervising power bestowed by the compact upon the State governments and the people over the whole Federal government flatly contradicts the idea that the same compact designed constructively

to bestow a supervising power upon Congress, or other department, over the State governments.

The government was organized in 1789 and assumed its place among the nations of the earth. Soon, amendments proposed by the ratifying States were submitted, as the Constitution prescribed, to the respective States and adopted by them. These amendments have no *direct* relation to the immediate objects for which the Union was formed, and, with few exceptions, were intended to guard against improper constructions of the Constitution, or the abuse of the delegated powers, or to protect the government itself in the exercise of its proper functions. They sought to guard the people and the States against Federal usurpation, and one of them Jefferson pronounced "the corner stone of the Constitution." The ninth amendment prohibits a construction by which the rights retained by the people shall be denied or disparaged by the enumeration, but the tenth, in language that tyranny cannot pervert or dispute, "reserves to the States respectively or to the people the powers not delegated to the United States, nor prohibited to the States." Could any language more conclusively show the ultimate authority of the States, or that the general government has no more right to enforce its decisions against those of the several States where they disagree as to the extent of their respective powers than the latter have of enforcing their decisions in like cases? This reservation was incorporated from a caution deemed unnecessary and excessive by some, because such a reservation is of the very essence and structure of the Constitution, but it has been vindicated as a marked demonstration of the wisdom and sagacity of the fathers. Instead of receiving powers the States had bestowed them, and in confirmation of their original authority most carefully reserved every right they had not relinquished. The powers reserved by those who possessed them, the distinct people of each State, are those

not delegated or prohibited, and were intended to remove a suspicion of a tendency in the Constitution toward consolidation which had been vigorously charged by some of those who had opposed the ratification. It cannot be reiterated too often that the people do not derive their rights from government. In England, Magna Charta and other franchises were granted by kings and residuary rights remain in and with the government; here, ungranted rights remain with the grantors and these are the people of the States.

RELATION OF STATES TO THE UNION UNDER THE CONSTITUTION.

We are now prepared to consider the action of the South which rested upon the relation which the States and the Federal government bore to each other. What the South maintained was that the Union, or general government, emanated from the people of the several States, acting in their separate and sovereign capacity, as distinct political communities; that the Constitution being a compact to which each State was a party for the purpose of good government and the protection of life, liberty and property, the several States had the right to judge of infractions of the Constitution, or of the failure of the common government to subserve its covenanted ends, and to interpose by secession or otherwise for protecting the great residuary mass of undelegated powers, and for maintaining within their respective limits the authorities, rights and liberties appertaining to them. The third Virginia resolution of 1798, drawn by Madison, puts this very clearly—"That this assembly doth explicitly and peremptorily declare that it views the powers of the Federal government as resulting from *the compact to which the States are parties*, as limited by the plain sense and intention of the instrument constituting that compact; as no further valid than they are authorized by the grants enumerated in the compact; and that

in case of a deliberate, palpable and dangerous exercise of other powers not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights and liberties appertaining to them." The States, in adopting the Constitution and surrendering many attributes of sovereignty, might have surrendered all their powers and even their separate existence. Were they guilty of this *felo de se*, or did each retain the equal right to judge of the failure of the government to accomplish stipulated objects as well as of the mode and measure of redress, and the means of protecting its citizens? We have held that the obvious and chief purpose of the Constitution was to invest the Federal government with such powers only as equally affected the members of the community called the Union and to leave to the States all remaining powers. The greater part of the powers delegated to the general government relate directly or indirectly to two great divisions of authority; the one pertaining to the foreign relations of the country, the other of an internal character; the purposes for which the Constitution was formed being power, security and respectability without, and peace, tranquillity and harmony within. Mr. Calhoun, in early political life, stated clearly our dual system. The American Union is a democratic federal republic—a political system compounded of the separate governments of the several States and of one common government of all the States, called the government of the United States. The powers of each are sovereign, and neither derives its powers from the other. In their respective spheres neither is subordinate to the other, but co-ordinate; and, being co-ordinate, each has the right of protecting its own powers from the encroachments of the other, the two combined forming one entire and separate government. The line of demarkation between

the delegated powers to the Federal government and the powers reserved to the States is plain, inasmuch as all the powers delegated to the general government are expressly laid down, and those not delegated are reserved to the States unless specially prohibited.

Much is said and written in praise of the British constitution, but, in large degree, it is intangible and indefinable. It exists in no exact form, except as contained in Magna Charta, Petition of Right and some other muniments of liberty. Elsewhere it is to be searched for in usage, tradition, precedent and public opinion, and chiefly consists in direct parliamentary control of the responsible heads of the great departments of state. Knowing how illusory and deceptive were constitutional guarantees, which existed only in repealable statutes or the varying will of parliament, our ancestors preferred to repose on fixed definitions and asserted rights, embodied in organic law, having more dignity, permanence and sacredness than a mere municipal or statutory regulation. In proportion as power was liable to be abused, it was thought wise to impose and strengthen checks and restraints. If the judgment of the governing body be the only limit to its powers, then there is nothing to control that judgment or to correct its errors. The minority is relegated to the uncertain remedy of rebellion or revolution. Restrictions, however clear and ascertainable, if there be no right or power to enforce, will end in legislative omnipotence which makes useless a written constitution. True liberty demands severe restraints to prevent degeneracy into license and needs a discipline to be compelled by some exterior authority. It is absurd to make one's rights contingent upon the conscience or reason of another. There is but one safe rule to be adopted by those intrusted with ecclesiastical or civil power—if you do not wish to hurt me, put it out of your power to do so. If a government, or a department of a government, can interpret finally its own pow-

ers, or take without hindrance what powers it pleases, then it may as well have had originally all powers, without the mockery of a verbal limitation. Mr. Jefferson deprecated "usurpation of the powers retained by the States, interpolations into the compact, and direct infractions of it," and as late as 1825, solemnly asserted that though a dissolution of the Union would be a great calamity, submission to a government of unlimited powers would be a greater. Under our written Constitution, the powers of the government were distributed among several co-ordinate departments and instead of being left to be scrambled for were defined with such precision that generally each may ascertain its own, unless blinded by ambition or partisanship or selfishness. The jurisdiction of each is limited to certain enumerated objects, and this division, with checks and balances, was to prevent the evils Jefferson deplored, and which have always attended irresponsible and ill-defined authority.

As the written Constitution, with all its superiority to unwritten usage, is not self-executory, the practical and vital question continually arises, who is to guard and enforce its limitations and who is the ultimate arbiter in case of dangerous infractions? The famous Kentucky resolutions of 1798, drawn by Jefferson, affirm that the States composing the Union are not united on the principle of unlimited submission to their general government; that each State, while delegating certain definite powers to that government, reserved the residuary mass of right to their own self-government, and that the government created by the compact to which each State acceded as a State and is an integral party, was not made the exclusive or final judge of the powers delegated to itself, since that would have made its discretion and not the Constitution the measure of its powers. In 1799 he reaffirmed the declaration and added that the principle that the general government was the exclusive judge of the powers delegated to it stopped nothing short of despotism.

The favorite allegation of consolidationists is that the Constitution and the laws made in pursuance thereof are the supreme law of the land. No one questions that statement, but what is the Constitution, what laws are in pursuance thereof? The consequent assumption is that the Supreme court is the safe referee and the final judge. In all questions of a judicial nature of which the court has lawful cognizance, it is the final judge and interpreter, and there is no power in the government to which the court belongs to reverse its decisions or resist its authority, but the jurisdiction of the Federal courts is limited and the Federal judiciary is only a department of the government whose acts are called in question. Numerous instances of usurped powers might occur which the form of the Constitution could never draw within the control of the judicial department. The Supreme court might assume jurisdiction over subjects not allowed by the Constitution and there is no power in the general government to gainsay it. Charles Sumner, associated in the Northern mind with John Brown, as a semi-inspired apostle, spoke in 1854 in lofty scorn of according to the Supreme court the "power of fastening such interpretation as they see fit upon any part of the Constitution—adding to it, or subtracting from it, or positively varying its requirements—actually making and unmaking the Constitution; and to their work all good citizens must bow as of equal authority with the original instrument." Sometimes the court is divided, the dissenting judges possessing by universal concession the greater wisdom, more legal learning and ability; sometimes, not bound by its own judgment, the court reverses its decisions and stands on both sides of a question. "If the court itself be not constrained by its own precedents how can co-ordinate branches under oath to support the Constitution," and the creating States, "like the court itself, called incidentally to interpret the Constitution, be constrained by them?" Sometimes to procure a reversal it

is held that the court by action of Congress may hereafter be constituted differently, and we have a memorable precedent of the enlargement of the court and of the appointment of additional justices, whose opinions were well known in advance, in order to secure a reversal of the legal tender decision. Jefferson, in 1820, saw how by the silent and potential influence of judicial interpretation, the government was in great danger, and he wrote to Thomas Ritchie: "The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric * * * a judiciary independent of a king or executive alone is a good thing, but independence of the will of the nation is a solecism, at least in a republican government." The powers reserved in the tenth amendment are not only reserved against the Federal government in whole, but against each department, the judicial as well as the legislative and executive. Otherwise the Federal sphere is supreme and the spheres of the States are subordinate. It cannot be tolerated for a moment that the Supreme court has the right to modify every power inhering in the State governments, or undelegated by the people, so as to exempt its own action from their influence. That would be to concentrate absolute sovereignty in the court. If the Federal government, in its entirety, has no authority in the last resort to judge of the extent of its own powers, how can a single department, even the Supreme court, have this authority? What folly for the States to reserve powers against the Federal government, if that government, in whole or in part, has the ultimate decision as to what was reserved! To the Supreme court all the jurisdiction which properly belongs is cheerfully yielded, but in it no more than in the other departments can be safely reposed the trust of ascertaining, defining or limiting the undelegated powers of the States.

History is said to be constantly repeating itself. This assumption of the Federal government, through all or either of the departments, to decide, ultimately and authoritatively, upon the character and extent of the grants and limitations of the Constitution, upon the powers it possesses, is a claim of absolute sovereignty and is not distinguishable from the unrepublican theory of the Divine Right, as expounded by Filmer and other such writers. Reduced to its real significance, it is practically what was asserted by the "Holy Alliance" of 1815, when certain European sovereigns, under a kind of approved orthodox despotism, assumed the prerogative to perpetuate existing dynasties, to suppress rebellions and revolutions, and to crush out civil and religious liberty. This alliance insisted that governments did not derive their authority or legitimacy from the assent of the people; that all who asserted such political heresies were outlaws and traitors; that constitutions have no legitimate source except absolute power; that governments grant or withhold what they please; that every movement in opposition to the "powers that be" is a monster to be crushed, and that all resistance to oppression is involved in the same anathema, however legitimate or defensible.

There are some who see and concede the unreasonableness of making the discretion of a majority in Congress the measure of the powers granted or withheld in the Constitution, and that this nullifies the limitations and guarantees of the compact, and they recognize the necessity of resistance and interposition where reserved rights have been trampled on. Declining to accept the State rights theory, they have, under the stress of the necessity of not leaving wrongs unrighted and guarantees disregarded, suggested that the true remedy is an appeal to the "sober second thought" of the people, or that failing, to a popular uprising to overthrow the offending government. This is the logical fallacy of begging the question. What people? *En masse?* No such people po-

litically ever existed. The people who offended? Who will convince them of their error?

> " When self the wavering balance shakes,
> It's rarely right adjusted."

Rebellion or revolution assumes that the acts complained of were done by legitimate authority, in due course of procedure, according to valid forms. That is the gist of the question in issue. If successful, rebellion becomes right; if unsuccessful, it is treason. It is not an appeal to reason, justice, morality, law, but to brute force. It belongs to the slave and is the mere right of self-preservation. It is a travesty on freedom, on constitutions, on civilizations. Might can never make right. It is great only in the service of righteousness. Were Satan omnipotent, he would be none the less Satan, rather all the more the incarnation of evil, in potent antagonism to the good. Our fathers do not deserve such a reproach. They were not guilty of such folly. With a prescient statesmanship, far beyond their times, they made adequate protection for the rights and liberties of posterity and made not their maintenance dependent on avoirdupois, or the fluctuating will of an interested or fanatical populace.

STATES MUST DECIDE. SECTIONALISM PRODUCED DISUNION.

The Federal government, as the representative and embodiment of the delegated powers, has no disposition, and, within itself or in its organization, no provisions to prevent the delegated from encroaching on the powers reserved to the several States. This government, neither through the President, the Congress nor the courts, having the right to determine finally whether the compact has been dangerously violated, or has failed to subserve the purpose of its formation, it follows irresistibly that where the forms of the Constitution

prove ineffectual against dangers to the equality and essential rights of the States, the parties to it, these States have the sole right to interfere for arresting the progress of the evil and for maintaining within their respective limits the rights and liberties appertaining to them. The interposition of a State in its sovereign character, as a party to the constitutional compact, was the only means furnished by the system to resist encroachments and prevent entire absorption of the powers which were purposely withheld from the general government. Madison said: "Where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges in the last resort, whether the bargain made has been pursued or violated. The Constitution of the United States was formed by the sanction of the States, given by each in its sovereign capacity. The States, then, being parties to the constitutional compact, and in their sovereign capacity, it follows of necessity that there can be no tribunal above their authority to decide, in the last resort, whether the compact made by them be violated, and consequently that, as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition." An assemblage of citizens of Boston in Faneuil Hall, in 1809, state, in a celebrated memorial, that they looked only to the state legislatures, who were competent to devise relief against the unconstitutional acts of the general government. "That your power is adequate to that object is evident from the organization of the confederacy." How the States were to exercise this high power of interposition, which constitutes so essential a portion of their reserved rights that it cannot be delegated without an entire surrender of their sovereignty and converting our system from a federal into a consolidated government, is a question that the States only are competent to determine. The reservation of powers is

to "the States respectively," that is, to each State separately and distinctly. The Constitution contains no provision whatsoever for the exercise of the rights reserved nor any stipulation respecting it. It does not seem reasonable to look to the government of the United States, in which the delegated powers are vested, for the means of resisting encroachments on the reserved powers. That would be to expect power to tie its own hands, to relinquish its own claims, or to look for protection against danger to the quarter from which only it could possibly come. (1 Calhoun, 237.) Every sovereignty is the judge alone of its own compacts and agreements. Each State *must* have the right to interpret the agreement for itself unless it has clearly waived that right in favor of another power. That it has not been waived has been placed beyond refutation, for otherwise the powers of the government at Washington are universal and the enumerations and reservation are idle mockeries. And so a written constitution, however carefully guarded the grant and limitations, is no barrier against the usurpations of governments and no security for the rights and liberties of the people. Restrictions are contemptuously disregarded, or undermined by the gradual process of usurpation, until the instrument is of no more force, nor any more respected than an act of Congress. Constitutional scruples are hooted at, and suggested barriers of want of authority are ridiculed as abstractions or the theories of political *doctrinaires*. The Federal judiciary, the Congress, the Executive, the Constitution, the Union, are but emanations of the sovereignty of the States, and the States are not bound by their wishes, necessities, action, except as they have agreed to be bound, and this agreement was made, not with the Union, the Federal government, their agent and creature, but with one another. "Vicious legislation must be remedied by the people who suffer from the effects of it and not by those who enjoy its benefits." (Bryan.)

They made their compact as sovereign States, and as such they alone are to determine the nature and extent of that agreement and how far they were to be bound. Each State was grantor and grantee receiving precisely what it had granted. The Federal government was in no sense a party to the Constitution; it has no original powers and can exert only what the States surrendered to it, and these States, from the very nature and structure of the common government, are alone competent to decide, in the last resort, what powers they intended to confer upon their agent. The States were not so stupid as to confer upon their creature, the Union, the power to obliterate them, or reduce them to the relation of dependence which counties sustain to the State. This high, supreme, ultimate power of our whole system resides in its fullness in the people of the several States, the only people known to us as performing political functions. The general government is not superior to the States, and has no existence nor autonomy, outside, irrespective of, contrary to, the States. The Union could not exist a day if all of the States were to withdraw their co-operation. The President, the Senate and Representatives, with all their powers, are conditioned upon the action of the States. Hamilton, in Federalist, No. LIX, said: "It is certainly true that the State legislatures, by forbearing the appointment of senators, may destroy the national government." The Federal government, the Union, as a corporate body politic, does not claim its life, nor a single power, from the people apart from State organizations. In truth and in fact, there is not, nor ever has been, such a political entity as the people of the United States in the aggregate, separated from, independent of, the voluntary or covenanted action of the States. That anything is constitutional or admissible, simply because the judiciary or the Executive or the Congress, or the moral convictions of citizens approve, or the country will be benefited by it, is a modern invention and has no

basis in our constitutional federal republic. To put it in the least objectionable form, the States, in their undelegated powers, are as important, as supreme, as the general government, and the theory of State subjugation, of provincial dependencies, is a pure afterthought to justify arbitrary and ungranted authority. It is indisputable that by far the greater part of the topics of legislation, the whole vast range of rights of person and property—where the administration of law and justice comes closest home to the daily life of the people—are exclusively or chiefly within the power of the States. The number of topics of legislation which lie outside the pale of national legislation greatly exceeds the number to which the power of State legislation does not extend. (Federalist, No. 14; Mich. Lect., 244; 1 Calhoun, 197, 204, 214–15.) If the Union be indissoluble, with equal or greater propriety we may affirm that the States are equal and indestructible.

When the adoption of the Constitution was under discussion before the State conventions, with an uncertain result, its enemies were alarmed on account of the magnitude of powers conferred on the general government and its friends were fearful because of alleged feebleness in comparison with extent of reserved powers; but neither party contended that an increase or diminution of power could constitutionally be made by implication and inference so as to equip the central government with all the means it derived in the warfare with antagonists. The authors of The Federalist—the essays written to secure the acceptance of the Constitution—insisted that the apprehended inequality did not exist, and that should it be developed, the States would be able to control. Hamilton wrote: "The general government can have no temptation to absorb the local authorities left with the States. * * * It is, therefore, improbable that there should exist a disposition in the Federal councils to usurp the powers with which commerce,

finance, negotiation and war are connected. Should wantonness, lust of domination, beget such a disposition, the sense of the people of the several States would control the indulgence of so extravagant an appetite." This redundant exposition of the doctrine that there can be no tribunal above the authority of the States and that in them reside the ultimate decision, has been made because there is such a painful misunderstanding of the relation the Federal government sustains to the States, and of the comparative authority, power and value of the Union and of the States.

The forebodings of those who dreaded an undue enlargement of the powers of the central government—the increase of centripetal tendencies to the weakening of the centrifugal—have been more than realized. Instead of a rivalry between the general government and the States, between the delegated and the reserved powers, the antagonism has proved unreal and fallacious, and the strong trend has been and is to centralization, justifying the prediction of Jefferson that "when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venial and oppressive as the government from which we separated." By an irresistible tendency the stronger has absorbed the weaker and is concentrating in itself unlimited and uncontrollable power. This usurpation has been carried so far that nothing short of an absolute negative on the part of the States can protect against the encroachments of a growingly centralized government. For a few years and naturally, States were superior in dignity, and two citizens of South Carolina declined positions on the Supreme court, one the chief-justiceship. The enlargement of territory, the multiplication of States, the glory resulting from successful wars, the enormous prosperity caused by varied climate and products, free interstate commerce,

religious liberty, the stimulus of free institutions, extensive landed proprietorship, the immense Federal and subsidizing expenditures, government partnership in business, the building up of favored classes and interests by protective tariffs and bounties and discriminating fiscal policy, the vast number of Federal offices constituting executive patronage and conferred not as a trust for the public good, but as spoils of office and rewards for partisans, a huge pension system, destroying local patriotism of recipients and corrupting states—have magnified the government at Washington and given from exuberance of strength a resistless impulse, adverse to its federal and favorable to a consolidated character. This revolutionary change has been attended by the grossest inequality, because a majority has centered in one section, giving it absolute control on all questions which coincide with its views and interests. As the government has been centralized, nationalized, lost its original character as a constitutional federal republic, its power has grown by what it has fed upon and its patronage has become more tempting and wide spread. Proportionate with power and patronage, and increasing with their increase, will be the desire to possess the control over them, for the purpose of individual or sectional aggrandizement; and the stronger this desire, the less will be the regard for principles and the Constitution, and the greater the tendency, accompanied by increase of ability, to unite for sectional domination. (1 Calhoun, 241, 371.) The tariff system, framed in the interests and at the dictation of classes and persons that contribute liberally in elections; the taxation practically of agricultural exports, grown preponderantly in one section; the partial, inequitable appropriations for rivers, harbors, public buildings, the concentration of the financial operations of the government in one quarter of the Union; the theories of the latitudinous interpretation of the Constitution which dominated parties and dictated political and

legislative action at the North, investing Congress with the right to determine what objects belong to the general welfare; have been most potential in enriching one section to the prejudice of the other and in enlarging the power, prestige and influence of the Union. The power of Congress to levy duties on imports for specific purposes has been enlarged into an unlimited authority to protect domestic manufactures against foreign competition. The effect of this has been "to impose the main burden of taxation upon the Southern people, who were consumers and not manufacturers, not only by the enhanced price of imports, but indirectly by the consequent depreciation of the value of exports, which were chiefly the products of the Southern States." The increase of price was not always paid into the public treasury, but accrued somewhat to the benefit of the manufacturer. What revenues went into the treasury were disbursed most unequally, and the sectional discrimination, enriching one portion to the injury and inequality of the other, tended to direct immigration to the North and to increase the functions and influence of the Federal government. The majority, doing the injustice, claim to be the sole judges of the rightness of their action and whether or not the power is lodged in their hands. The minority have no rights which the majority are bound to respect, or if they have, there are no means of asserting and vindicating them. The majority, which are sectional, possess the government, measure its powers and wield them without responsibility. Enriched by their own acts, becoming proud, insolent, greedy of power and gain, inflamed by cupidity, avarice, monopoly, they arrogate and usurp; and, with each succeeding day, what was very questionable becomes by force of unresisted precedent a principle, and self-conceit transmutes exercise of power into piety, and the judgment of parties and the interest of classes into a higher law, into the will of God. We find in England and other countries an aristocracy, the classes

in the enjoyment of pensions, tithes, monopolies, vested rights, exclusive privileges until, with blunted sensibilities and beclouded intellects, they delude themselves into acquiescence in, and support of, such inequalities and wrongs. So in the United States, under powers granted in the Constitution, such as levying duties and taxes, regulating commerce, war, appropriating money, disposing of territory and other property, admitting new States, the government during the Confederate war incorporated banks, made fiat money or promises to pay a legal tender, constructed roads, granted bounties and monopolies, gave away the property of the people, prescribed State constitutions, emancipated slaves, fixed terms and conditions of suffrage, dictated manner of appointing and electing senators, assumed control over railways and industries and absorbed and exercised a sovereign power over interstate commerce, capital, labor, currency and property. We have seen an alliance between Congress and eleemosynarians, senators taking care of their private affairs in revenue bills, and manufacturers before sub-committees of ways and means and of finance dictating the subjects to be taxed and the amount of duties to be levied.

One wonders how these revolutions and iniquities have been accomplished. Governor Morris wrote to Timothy Pickering that "the legislative lion will not be entangled in the meshes of a logical net. The legislature will always make the power which it wishes to exercise." One of the ablest expounders of the Constitution deplores "the science of verbality," the artifice of so verbalizing as to assail and destroy the plainest provisions. The instrumentality of inference has sapped and mined our political system. Acuteness of misinterpretation and construction has accomplished what the framers of the Constitution exerted all their faculties, by specifications and restrictions, to prevent, so that constructive powers have been as seed-bearing of mischief and usurpation as the

doctrine of constructive treason. Alexander Hamilton believed honestly that nothing short of monarchical institutions would prove adequate to the wants of the country, and in the convention of 1787 he sought to conform the new government, while in process of construction, to the model of the British, which he regarded as the best ever devised by the wit of man. He had not a single supporter, and afterward, ably and effectively, with marked patriotism, he threw his pen and voice in favor of ratification. But this he did avowedly as a temporary bond of union and as the only avenue of escape from anarchy. Appointed to assist in carrying the government into effect and sincerely believing that with no other powers than those he so well knew it was intended to authorize, it must prove a failure, and the government must go to pieces, he decided unhesitatingly to do under it whatever he, in good faith, might think would promote the general welfare, without reference to the intention of the authors of the Constitution. The discussions to show that his principal measures were authorized by the instrument, were in deference to the prejudices and ideas of the people—nothing more. The principle of construction he espoused was to make good all laws which Congress might deem conducive to the general welfare, and which were not expressly prohibited, a power similar to that contained in the plan he proposed in the convention. He desired, in short, to make the Constitution a tablet of wax upon which each successive administration would be at liberty to impress its rescripts to be promulgated as constitutional edicts. (Van Buren's Pol. Parties in U. S., 211, 213.) Hamilton laid the foundation of his policy so deep and with so much skill that it has been impossible to reverse especially under conditions so favorable to centralization. He invoked in support of his measures the selfishness, the cupidity, the ambition of classes, and sought to make the strength of the government depend, as in England, on the interested sup-

port of an intelligent and combined few. An impulse in accordance with his theory was impressed, and has since been constantly strengthened. It is not uncommon to hear the Constitution ridiculed as an abstraction, or an effete formula. The government has grievously departed from its federal character, and reserved powers are so far removed from possible application in case of controversy, that State rights, when seriously mentioned, provoke contempt or ridicule. In 1824 Jefferson wrote to Van Buren: "General Washington was himself sincerely a friend to the republican principles of our Constitution. His faith might not, perhaps, have been as confident as mine, but he repeatedly declared to me that he was determined it should have a fair chance of success, and that he would lose the last drop of his blood in its support against any attempt which might be made to change it from its republican form."

WHY THE SOUTH RESISTED FEDERAL ENCROACHMENTS.

It can now be clearly seen why the South, being a minority section, with agriculture as the chief occupation and with the peculiar institution of African slavery fastened on her by Old England and New England, adhered to the State rights or Jeffersonian school of politics. Those doctrines contain the only principles or policy truly conservative of the Constitution. Apart from them, checks and limitations are of little avail, and the Federal government can increase its powers indefinitely. Without some adequate restraint or interposition, the whole character of the government is changed, and *forms*, if retained, will be, as they have been in other countries, merely the disguises for accomplishing what selfishness or ambition may dictate. The truest friends of the republic have been those who have insisted upon obedience to constitutional requirements. The real ene-

mies, the true disunionists, have been those who, under the disguise of a deceptive name, have perverted the name and true functions of the government and have usurped, for selfish or partisan ends, or at the demand of crazy fanaticism, powers which States never surrendered. Those who contend most strenuously for the rights of the States and for a strict construction of the Constitution are the genuine lovers and friends of the Union. Their principles conserve law, good order, justice, established authority; and their unselfish purpose has been to preserve and transmit our free institutions as they came from the fathers, sincerely believing that their course and doctrines were necessary to preserve for them and posterity the blessings of good government. The States have no motive to encroach on the Federal government and no power to do so, if so inclined, while the Federal government has always the inclination and always the means to go beyond what has been granted to it. No higher encomium could be rendered to the South than the fact, sustained by her whole history, that she never violated the Constitution, that she committed no aggression upon the rights or property of the North, and that she simply asked equality in the Union and the enforcement and maintenance of her clearest rights and guarantees. The latitudinous construction, contended for by one party and one section, has been the open door through which the people have complained. A strict construction gives to the general government all the powers it can beneficially exert, all that is necessary for it to have, and all that the States ever purposed to grant.

Passion, revenge, cupidity, ignorance and fanaticism have created an incurable misunderstanding of secession, its source and object. In its simplest form and logically it meant a peaceable and orderly withdrawal from the compact of union, a dissolution of the civil partnership, a claim of the paramount allegiance of citizens, a declension to continue under the obligations due to or from the

Federal government or the other States. The authority of the Constitution remains intact and unimpaired over the States remaining in the Union and ceases only as to the seceding State. The remaining or continuing States had no right of coercion nor of placing the "wayward sister" in the attitude of an enemy. The history of the Union does not show any eagerness on the part of any State to interpose its sovereign power for protection. During the first quarter of our existence as a confederate union, New England showed much impatience at remaining under the bonds, made angry and repeated threats of dissolution, but did not execute her menaces. The truth is that the Union is so strong, has so many advantages, so many patriotic associations, that the motives and reasons for continuance in it, for patient forbearance, for submission even to injustice and wrong, are well nigh overwhelming.

The Southern States through many years showed the strength of their attachment to the Union by immeasurable sacrifices, illustrated their patriotism by acts of heroic devotion, and got their reluctant consent to a separation only after a series of unendurable wrongs, and the most indisputable demonstration of the purpose of a united North to deprive them of solemn guarantees of equality in the Union. From the "Missouri compromise"—prohibiting Southern extension north of the line of thirty-six degrees thirty minutes—substituting a new confederation for the old, drawing a geographical line, south of which was to be equality, north of which the Southern States were proscribed, dishonored, stigmatized, establishing the policy of an interference by Congress with an interest not common among all the States and thus creating two great combinations of States, between which mutual provocations were manufactured, down to the war between the States, the Congress and the government repeatedly and offensively declared that the Southern States were not the equals of the Northern States in the benefits of

the Union, that property recognized and guaranteed in the Constitution must be restricted within narrow lines, and that "territory of the United States," obtained at the cost of common blood and common treasure, was not to be equally enjoyed, but was to be for the exclusive possession of the Northern States with their civilization and property.

The Northern States, not in the regular and prescribed form, but in most irregular, illegal and contemptuous manner, by ecclesiastical action and influence, by legislative and judicial annulment, by public meetings, by pulpit and press, by mobs and conspiracies and secret associations, made null and void a clear mandate of the Constitution, protective of Southern property and adopted as an indispensable means for securing the entrance of the Southern States into the Union. To use the language of President Harrison: "Government of the mob was given preference over government of the law enforced by the court decrees and by executive orders." The highest Northern judicial and historical authorities concede that the Union would never have been formed without these compacts of guarantee and protection. This constitutional provision was sustained by the Supreme court and by every Congress and President up to 1861. Ten Northern States, with impunity, with the approval of such men as Governor Chase, afterward secretary of the treasury under Mr. Lincoln and chief justice of the Supreme court, nullified the Constitution, declared that its stipulation in reference to the reclamation of fugitives from labor was "a dead letter," and to that extent they dissolved the Union, or made an *ex parte* change of the terms upon which it was formed. These States did not formally secede, but of themselves, without assent of those Mr. Jefferson described as "co-parties with themselves to the compact," changed the conditions of union and altered the articles of agreement. Releasing themselves by their own motion, in most arbitrary, extra-judicial, extra-

constitutional manner, of a covenant or injunction of the Constitution, because in their opinion it was unwise, they still, while thus *in flagrante delicto*, demanded obedience to the Constitution and laws on the part of the other co-signitories to the league of government. In the elections of 1860, on sectional issues and securing sectional ascendency, this rebellion against legitimate authority, this nullification, this assumption of a right to self-release from an imperative constitutional requirement, this setting up of private judgment, of individual or corporate whim, against statutory and organic law, an unbroken line of judicial precedents and the undisputed history of the formation of the Constitution, was sanctioned by the popular vote of the North and the election of President Lincoln, who had boldly declared that the States could not remain in union as they had originally agreed and stipulated. In that election, in direct antagonism to the opinions and covenants of the men who achieved our independence and framed and adopted the Constitution which made the Union, it was deliberately decided that the States could not exist together as slave-holding and non-slaveholding, and that "the irrepressible conflict" between them must go on until "the relic of barbarism" should be effaced from constitutions and laws.

That election divided the Union into fixed hostile geographical parties, strongly distinguished by institutions, traditions, opinions and productions and pursuits, the stronger struggling and by the popular verdict licensed to enlarge its powers, and the weaker to save its equality and rights. It placed in the hands of the stronger section, dominated by a fanatical spirit, the power to crush the weaker section and institutions, to destroy at will the existing constitutional relation between the races, and to leave no alternative but reduction to provincial condition or resistance. With the ascendency previously acquired by territorial monopoly and government favoritism, it was now made certain that political power was centralized

permanently in the North to the control and subjection of the South whenever the feelings or interests of the sections came into conflict. What the result would be it required no seer to prophesy.*

*Whether the North had any purpose to uphold the Constitution and give equality in the Union may be judged from the appended opinions:

"There is a higher law than the Constitution which regulates our authority over the domain. Slavery must be abolished, and we must do it."—Wm. H. Seward.

"The time is fast approaching when the cry will become too overpowering to resist. Rather than tolerate national slavery as it now exists, let the Union be dissolved at once, and then the sin of slavery will rest where it belongs."—N. Y. Tribune.

"The Union is a lie. The American Union is an imposture, a covenant with death and an agreement with hell. We are for its overthrow! Up with the flag of disunion, that we may have a free and glorious republic of our own."—William Lloyd Garrison.

"I look forward to the day when there shall be a servile insurrection in the South; when the black man, armed with British bayonets, and led on by British officers, shall assert his freedom and wage a war of extermination against his master. And, though we may not mock at their calamity nor laugh when their fear cometh, yet we will hail it as the dawn of a political millennium." — Joshua R. Giddings.

"In the alternative being presented of the continuance of slavery or a dissolution of the Union, we are for a dissolution, and we care not how quick it comes."—Rufus P. Spaulding.

"The fugitive-slave act is filled with horror—we are bound to disobey this act."—Charles Sumner.

"The Advertiser has no hesitation in saying that it does not hold to the faithful observance of the fugitive-slave law of 1850."—Portland Advertiser.

"I have no doubt but the free and slave states ought to be separated. . . . The Union is not worth supporting in connection with the South."—Horace Greeley.

"The times demand and we must have an anti-slavery Constitution, an anti-slavery Bible, and an anti-slavery God."—Anson P. Burlingame.

"There is merit in the Republican party. It is this: It is the first sectional party ever organized in this country. . . . It is not national, it is sectional. It is the North arrayed against the South. . . . The first crack in the iceberg is visible; you will yet hear it go with a crack through the center "—Wendell Phillips.

"The cure for slavery prescribed by Redpath is the only infallible remedy, and men must foment insurrection among the slaves in order to cure the evils. It can never be done by concessions and compromises. It is a great evil, and must be extinguished by still greater ones. It is positive and imperious in its approaches, and must be overcome with equally positive forces. You must commit an assault to arrest a burglar, and slavery is not arrested without a violation of law and the cry of fire."—Independent Democrat, leading Republican paper in New Hampshire.

The Southern States believed that the transfer of the government to pronounced hostility to their institutions involved a repudiation of the covenanted faith of their sister States, and released them from the burden of their own covenants when they were denied the benefit of the corresponding covenant of the other contracting states. Seeing the hopelessness of security from President, or Congress, or courts, or public opinion, all inflexibly averse to their constitutional rights, as understood by the patriot fathers, they felt constrained to withdraw from a government which had ceased to be what those fathers made it. Not to have done this would have been to leave the stronger section in entire and hostile control of the government and to consolidate the powers of our compound system in the central head. The last hope of preserving the Constitution of the Union being extinguished, nothing remained except to submit to a continuation of the violation of the compact of union, the perversion of the grants of power from their original and proper purposes, or to assert the sovereign right of reassuming the grants which the States had made.

SECESSION THE SEPARATE AND LEGAL ACT OF THE STATES.

It is not uncommon to confound the secession of a state, as a separate, independent, sovereign act, with the subsequent establishment of a confederacy or a common government, by the co-operative action of several States after they had seceded. A State, by virtue of its individual, sovereign right, demonstrated in this introductory chapter, repealed or withdrew its act of acceptance of the Constitution, as the basis or bond of union, and resumed the powers which had been delegated and enumerated in that instrument. This act of resumption of delegated powers, assertion of undelegated sovereignty, was not by the legislature. There is in our American

system what is not found elsewhere, a power above that of the Federal or of the State government, the power of the people of a State, who ordained and established constitutions for and over themselves. No secret conspiracy was needed, no mask to conceal the features of the State, no secret place in which to concoct or consummate the designs. Everything was done in broad daylight, and inspection was invited to the accomplishment of what had been repeatedly avowed as the logical consequence of sectional supremacy. The people of the State—the only "people" then known under our political system—had a regularly and lawfully constituted government, already in their hands and subject to their direction. They had a complete corps of administrative officers, an executive, a legislative, a judiciary, filling every department of a free, representative government, all holding office under State authority alone and wearing no badge of official subordination to any power. This government was complete in all its functions and powers, unchanged as to its internal affairs, altered only in its external or Federal relations, and law and order reigned in every portion of the State precisely as if no change had occurred. The secession was as valid as the act of ratification by which the State entered the Union. The secession, or withdrawal of a State from a league, had no revolutionary or insurrectionary character, and nothing which could be tortured into rebellion or treason except by ignorance or malignity.

Several States having openly, with most public declaration of purposes, withdrawn from the compact, they established a union, a confederacy of states, for themselves. The constitution was formed, adopted, ratified, in precisely the same manner and by the same forms and agencies as the Constitution of the United States came into being. Not a clause nor article interfered with the right of any Northern State or citizen. No assault was made upon property or institutions of any other people.

The model of the Constitution of the Union, which had been respected, obeyed and revered by the Southern States, was followed, with only such changes as time and experience had demonstrated to be necessary for the states to retain their equality in the Union and have their guaranteed rights respected. There seemed no other alternative for the security of the domestic institutions of self-governing States—institutions over which neither the Federal government nor people outside the limits of such States had any control, and for which they had no moral or legal responsibility. Southern life was habitually denounced as utter "barbarism," and an institution of the remotest origin, sanctioned in the Old Testament and by the law of nations, and upheld for centuries by all civilized governments, and existing at the time of the Declaration of Independence in all the States, was held up to odium as "the sum of all villainies," and the Constitution, because of its explicit recognition and guarantee of this institution, was spurned as "a covenant with death and an agreement with hell." It was a logical and inevitable inference that the predominant and fanatical sentiment of the North should purge the country of such an "unmitigated crime" by its speedy suppression, and that invested with, or arrogating supreme power, it should throw its irresistible weight in the sacrifice of Southern interests to a remorseless and destructive propagandism.

No one would now hazard the assertion that, if the Southern States had acquiesced in the result of the elections of 1860, the equality and rights of the Southern States could have continued unimpaired by the unfriendly action of the government at Washington and of the Northern States. We need not be left to conjecture as to what would have occurred, for a few years later—not during the frenzy of the war, but in the flush of victory and the strength of peace—we had a notable illustration of the insecurity of reliance upon the clearest constitu-

tional prohibition. The Supreme Court, exercising its constitutional power and duty, gave an interpretation to the legal tender law that was not pleasing to Congress and certain moneyed interests. As a rebuke and remedy the court was reconstructed, the number of judges was increased, to reconsider and reverse the judgment, and this process President Harrison, speaking on a kindred subject in a political address in New York, characterized as "packing the court with men who will decide as Congress wants them to."

Perhaps more conclusive proof of the insecurity of a minority and of unresisted tendency toward assumption of all power which may be supposed to be needed for the accomplishment of coveted ends, may be found in the reconstruction measures, which were deliberately purposed to punish "the rebels" and to subject the white people to negro domination. Roger Foster, in his commentaries on the Constitution, 1896 (pp. 265-267), speaks of the dealings of Congress and the Federal government with the Southern States during the period of reconstruction. At his hands the story becomes a gloomy tale of vacillation, intimidation and fraud; but he tells it with plainness and directness and with more than his usual force. In his opinion "the validity of the acts of Congress" is "open to investigation," and, "in view of the language of the Constitution, the decisions of the courts on cognate questions, and the action of Congress in other respects toward the States which were the seat of the insurrection, it seems impossible to find any justification for them in law, precedent or consistency. . . . The reconstruction acts must consequently be condemned as unconstitutional, founded on force, not law, and so tyrannical as to imperil the liberty of the entire nation should they be recognized as binding precedents." The change of sentiment in reference to John Brown is a startling revelation of the rapidity with which sectional and political hostility can pervert the judgment and the conscience.

In October, 1859, this bold, bad man attempted his bloody foray into Virginia, fraught with most terrible consequences of spoliation of property, arson, insurrection, murder and treason. The raid was a compound of foolhardiness and cruelty. Conservative and respectable journals and all decent men and women denounced, at the time, the arrogant and silly attempt of the murderer to take into his destructive hands the execution of his fell purposes. Sympathy with those purposes and his methods was vehemently disclaimed by representatives of all parties in Congress, conspicuously by Hon. John Sherman. Few, except red-handed and insane fanatics, lifted voice against his execution, after a fair trial and just verdict by a Virginia court. A Senate committee, after a laborious investigation of the facts, submitted a report accompanied by evidence, and said: "It was simply the act of lawless ruffians, under the sanction of no public or political authority, distinguishable only from ordinary felonies by the ulterior ends in contemplation by them, and by the fact that the money to maintain the expedition, and the large armament they brought with them, had been contributed and furnished by the citizens of other States of the Union under circumstances that must continue to jeopard the safety and peace of the Southern States, and against which Congress has no power to legislate." Now, John Brown inspires a popular song and poetry and eloquence, almost a national air, and Northern writers and people compare him to Jesus Christ and put him in the Saints' Calendar of Freedom.

The organization of the Grand Army of the Republic has become a potent political agency, demanding that Union soldiers shall have preference, and making connection with the army, irrespective of service or personal merit, the highest consideration in appointments to places of profit and trust. Akin to this, a gigantic pension system, heavier and more exhaustive than the support of the huge standing army in Germany, has been fastened

on the public treasury, subsidizing States and making the name of soldier or sailor the passport to the support of himself and family. The strange and vicious doctrine has been affirmed over executive protest that fraud and perjury do not vitiate a pension once allowed, and that any disabilities incurred, whether in the line of duty or of pecuniary aggrandizement, within the "sphere of communication" with either army, are sufficient grounds for the paternal adoption of such a son. And a presidential candidate, in his letter of acceptance of the nomination, seeking arguments for popular support, makes the "need" of a soldier or sailor, however that need may have been created, a sufficient plea for "generous aid" by the government.

As has been affirmed and reiterated, the action of the seceding States was deliberate and most publicly pre-announced. The Northern States and the government at Washington were not taken by surprise, for the purpose of the South, in a certain anticipated contingency, was well known and had been repeatedly and solemnly declared. Exercising a right claimed by the States in their ratification and adoption of the Constitution, and reaffirmed from that day continuously, the seceding States neither desired nor expected resistance to their action. The power to coerce States had been explicitly rejected in the convention. Hamilton said: "To coerce the States was one of the maddest projects ever devised." No provision had been made by any of the States to meet a resistance to their withdrawal from the partnership. (Madison Papers, 732, 761, 822, 914; 2d Elliot's Debates, 199, 232, 233.) Not a gun, not an establishment for their manufacture or repair, nor a soldier, nor a vessel, had been provided as preparation for war, offensive or defensive. On the contrary, they desired to live in peace and friendship with their late confederates, and took all the necessary steps to secure that desired result. There was no appeal to the arbitrament of arms, nor any provoca-

tion to war. They preferred and earnestly sought to make a fair and equitable settlement of common interests and disputed questions with their former associates, so as to preserve most amicable relations and avoid the infliction of any damage or loss.

To show that peace was ardently desired by the government and the people of the Confederacy, it is sufficient to state that the Confederate Congress, prior to the inauguration of the chief magistrate, passed a resolution asking for the appointment of commissioners to be sent to the government of the United States, "for the purpose of negotiating friendly relations between that government and the Confederate States, and for the settlement of all questions of disagreement between the two governments upon principles of right, justice, equity and good faith." In his inaugural President Davis said: "If a just perception of neutral interests shall permit us peaceably to pursue our separate political career, my most earnest desire will have been fulfilled." "In furtherance of these accordant views of the Congress and the people," said the president in his first message, 29th April, 1861, "I made choice of three discreet, able and distinguished citizens, who repaired to Washington. Aided by their cordial co-operation and that of the secretary of state, every effort compatible with self-respect and the dignity of the Confederacy was exhausted before I allowed myself to yield to the conviction that the government of the United States was determined to attempt the conquest of this people, and that our cherished hopes of peace were unattainable." On the 12th of March the commissioners officially addressed the secretary of state (Mr. Seward), informing him of the purpose of their mission, and stating, in the language of their instructions, their wish "to make to the government of the United States overtures for the opening of negotiations, assuring the government of the United States that the President, Congress and people of the Confederate States earnestly desire a peace-

ful solution of these great questions; that it is neither their interest nor their wish to make any demand which is not founded on strictest justice, nor do any act to injure their late confederates." To this no formal reply was received until the 8th of April. In the meantime, with the firm resolve to avoid war if possible, the commissioners waived all questions of form and held unofficial intercourse through an intermediary, Justice Campbell, late of the Supreme court of the United States, and through him assurances were received from the government of the United States "of peaceful intentions; of the determination to evacuate Fort Sumter; and, further, that no measure, changing the existing *status* prejudicially to the Confederate States, especially at Fort Pickens, was in contemplation, but that in the event of any change of intention on the subject notice would be given to the commissioners." In the closing paragraph of the message the President protested "solemnly in the face of mankind that we desire peace at any sacrifice save that of honor and independence; we seek no conquest, no aggrandizement, no concession of any kind from the States with which we were lately confederated; all we ask is to be let alone; that those who never held power over us shall not now attempt our subjugation by arms. This we will, this we must, resist to the last extremity."

On May 8th, 1861, the president submitted a special message to Congress, communicating a report of Judge Campbell stating what he had done in connection with the commissioners for a peaceful adjustment of the pending difficulties between the two governments. In the papers were letters from Judge Campbell to President Davis and to Secretary Seward, the latter having been submitted to Mr. Seward, who did not reply or publicly question the correctness or accuracy of the recital. Judge Campbell held written and oral conferences with Secretary Seward, and from these he felt justified in

writing to Mr. Seward, "The commissioners who received these communications conclude they have been abused and overreached. The Montgomery government hold the same opinion." "I think no candid man who will read over what I have written, and consider for a moment what is going on at Sumter, but will agree that the equivocating conduct of the administration, as measured and interpreted in connection with these promises, is the proximate cause of the great calamity." He further affirmed the profound conviction of military and civil officers "that there has been systematic duplicity practiced on them through me." President Davis had previously said: "The crooked paths of diplomacy can furnish no example so wanting in courtesy, in candor, in directness, as was the course of the United States government toward our commissioners in Washington."

A Peace Convention was held in Washington City, with representatives from border and other States, to devise terms of honorable adjustment and prevent the calamity of war or disunion. Mr. Crittenden, of Kentucky, a statesman of experience, ability and conservatism, submitted a series of compromise measures and they were indignantly and insultingly rejected. The speaker of the house of representatives was not allowed even to present certain proposed amendments to the Constitution, looking to pacification, while the convention in Virginia, so unwilling, so reluctant, to take extreme steps, tendered to Senator Crittenden, by a unanimous vote, the thanks of the people of the State for his able and patriotic efforts "to bring about a just and honorable adjustment of our national difficulties."

APPENDIX.

It is not within the scope of this article to detail incidents of the war; it is fitting, however, to animadvert upon an oft-repeated accusation and to furnish such proof of its falsity as to leave hereafter no loop to hang a doubt upon. It is a common excuse for early defeat and inability "to crush the rebellion in ninety days," that the Confederacy was better supplied than the government of the United States with the means and appliances of war. This explanation on its face is absurd, for how could an infant, suddenly improvised government, without a dollar, without a sailor, without a ship, without a manufactory of guns or powder, be better equipped than a strong, well established government, constantly engaged in Indian wars and having a regularly equipped army and navy and no inconsiderable plants for their maintenance? Mr. Goldwin Smith, of Canada, in his work on the United States, says that at the beginning of the war the South was able to draw upon the supplies stored in the arsenals, which had been "well stocked by the provident treason of Buchanan's minister of war." Senator Sherman, in his "Recollections," repeats the absurd story and says that in the early days of the war the Confederates, because of this surreptitious aid, had superior means of warfare. General Scott endorsed the accusation against Secretary Floyd in regard to what has been called "the stolen arms," and thus contributed to the belief of respectable people that the Confederate States fought with cannon, rifles and muskets treacherously placed in their hands. Mr. Buchanan says, and there can be no better authority, in the book on his administration, page 220: "This delusion presents a striking illustration of the extent to which public prejudice may credit a falsehood,

not only without foundation but against the clearest official evidence." Eighteen months before General Scott's endorsement of the charge it had been condemned as unfounded by the report of the committee on military affairs of the house of representatives. The disproved slander that arms had been fraudulently or otherwise sent to the South to aid the "approaching rebellion," is in accord with the concerted purpose of writers and politicians to falsify the record and make apology for Northern reverses. General Scott made specific charge that Secretary Floyd removed "115,000 extra muskets and rifles, with all their implements and ammunition, from Northern repositories to Southern arsenals, so that, on the breaking out of the maturing rebellion, they might be found without cost, except to the United States, in the most convenient positions for distribution among the insurgents." He also charged that 130 or 140 pieces of heavy artillery were ordered from Pittsburg to Ship Island and Galveston, forts not yet erected. The charge, vouched for by public rumor, underwent a searching official investigation by a committee authorized to send for persons and papers and to report at any time. It was most easy to establish the charge, if true, for these arms could not have been removed without the knowledge and active participation of the officers of the ordnance bureau, whose loyalty had never been impugned nor suspected. The accusation may be reduced to three indictments:

First. That arms were improperly distributed to the Southern States prior to and preparatory for premeditated rebellion. Tables furnished from the ordnance bureau show that these States received much less, in the aggregate, instead of more, than the quota of arms to which they were justly entitled under the law for arming the militia. It is a significant fact, utterly disproving the charge and the belligerent intent, that Arkansas, Kentucky, Louisiana, North Carolina and Texas did not receive any portion of army muskets of the very best quality

to which they were entitled, and which would have been delivered to each on a simple application to the ordnance bureau. Of the muskets distributed the South received 2,091, and of long-range rifles of the army caliber, 758! Not enough to arm two full regiments!

Second. That Secretary Floyd sent cannon to the Southern States. If he did the fact could not have been concealed, for their size and ponderous weight would have made it impossible to escape detection. The committee reported that there was no evidence that any cannon had been transported to the South. Secretary Floyd may have made an order for the transfer of guns, but it was never executed, and the officer in charge, Colonel Maynadier, said: "It never entered his mind that there could be any improper motive or object in the order."

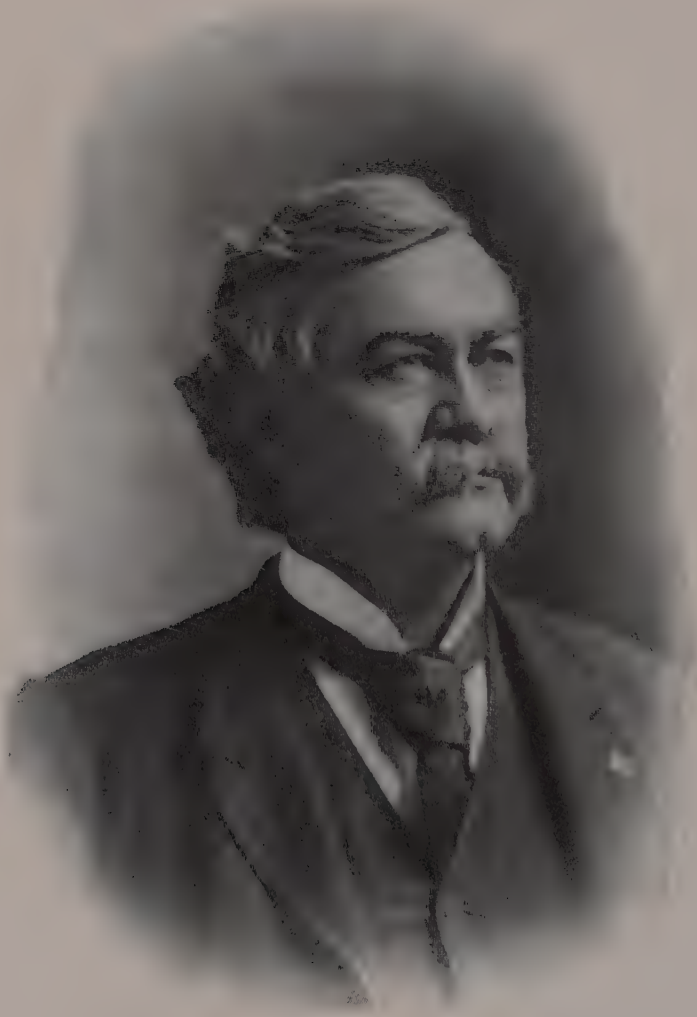
Third. The committee extended their inquiry into the circumstances under which Secretary Floyd ordered the removal of the old percussion and flint-lock muskets from the Springfield armory, where they had accumulated in inconvenient numbers. These arms were to be removed from time to time as may be most suitable for economy and transportation, and were to be distributed among the arsenals in proportion to their respective means of proper storage. These arms had been condemned by inspectors and were recommended to be sold, and they were advertised for sale, but the bids did not average $1.50 each and were not accepted. The committee did not, in the slightest degree, implicate Governor Floyd. Alas! what becomes of Senator Sherman's conjured up superior preparation for war and of General Scott's "good arms stolen?" It is of a piece with the rifle pitfalls with which Northern papers, after the Bull Run escapade, in which some Republican congressmen shared, said the whole country was honeycombed. (See Reports of House Committee on Military Affairs, 9th January, 1861, and 18th February, 1861—Report No. 85.)

Secretary Floyd, by inheritance and conviction, was a

thorough believer in State rights, but was opposed to secession and in favor of employing every right and proper expedient for averting or postponing it. His diary of the secret meetings and discussions of Mr. Buchanan's cabinet, during November, 1860, shows how averse he was to what he regarded the unwise and precipitate action of South Carolina. He addressed himself with great assiduity to the task of repressing the disposition manifested by the Southern States to take forcible possession of the forts and arsenals within their limits, and just prior to the time alleged for his distribution of public arms for aiding the secession movement he had published, in a Richmond paper, a letter which gained him high credit at the North for his boldness in rebuking the pernicious views of many in his own state. (Pollard's Lee and His Lieutenants, pp. 790-796, and Administration of Buchanan, p. 220.)

It may not be impossible that this persistent perversion of history is intended to shield the North from any reproach that might attach to her because of inability, with her immense superiority of military resources, to make an early conquest of the South. Besides the enormous means at her command in aid of commissary, quartermaster and ordnance departments, the North recruited her largely preponderant armies by purchased "Hessians" from Europe, by enlistment of negroes, and by pecuniary stimulants for substitutes or volunteers offered by individuals and towns and states and the general government. The frauds practiced on the poor negroes in enlistments, in withholding bounties, in misapplication of what had been accumulated under orders of Butler and other generals, constitute a dark chapter in the mysterious history of the freedmen's bureau and in other unrecorded occurrences of the war. In 1870 was published the report of the commissioners on equalization of the municipal war debts by the general assembly of Maine. It contains curious and disgraceful matters of history in regard to

the method of furnishing men for the army and navy. It transpires in that official comment that "substitute brokers" did a business so important and profitable as to call for the formation of partnerships, which plied their "iniquitous transactions" so adroitly and actively and fraudulently, as to obtain large sums, "hundreds of thousands of dollars," for men who were never reported for duty. This "wrong" to the municipalities, "double and cruel wrong to the brave men lying in the trenches of the Appomattox and the James," occurred, says this merciless exposure, "when the army lay panting and exhausted in front of Petersburg," "when the government was calling loudly for recruits and new regiments," "when the gallant men were calling for help and succor," "when the conviction had been at last forced home upon the government that the people and the rebellion could only be subdued by being thoroughly whipped in its entrenched strongholds, and that to do this the army of freedom must be kept full and strong by constant reinforcements." (See Portland Advertiser, January 31, 1870.)



WILLIAM R. GARRETT

THE SOUTH AS A FACTOR IN THE TERRITORIAL EXPANSION OF THE UNITED STATES.

BY

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CHAPTER I.

TERRITORIAL EXPANSION A DISTINCTIVE FEATURE IN THE HISTORY OF THE UNITED STATES—THE SOUTH A LEADING FACTOR IN THIS POLICY.

IN one important respect the history of the United States differs from the history—transcends the history—of any other great power of the world. Its boundaries have never receded. It is true, indeed, that some of the great powers have gained important territorial acquisitions, and have lost others; their boundary lines advancing and receding. At certain points of their history they may have claimed that their boundaries had never receded. This statement is now true of no great power except the United States.*

This is a fact of deep significance. It refutes the theory formerly so prevalent in Europe, and entertained to some extent in America, that a vast confederated republic could not possess cohesive force sufficient to hold its several parts together. Yet experience has shown that the United States, alone of all the great powers of the world, has preserved intact all the territory it has ever acquired.

In another respect American history is distinctive. Every great war in which the United States has ever been engaged, has been accompanied by a large acquisi-

* It is also true that the United States, in adjusting its territorial claims with other nations has, in a few instances, compromised disputed claims. This was done in the case of our first claim to Texas, based on the purchase of Louisiana. (Benton's Thirty Years, Vol. 1, Chap. VI.) This was also done with respect to the proposed line of 50° 40′, and with respect to other disputed claims. But these claims having been adjusted by treaty, and the jurisdiction of the United States once established, not one square inch of territory acquired has ever been lost.

tion of territory. Although we have grown to greatness, like "the great robber, Rome," by successive wars and successive acquisitions of territory, yet these wars have not been undertaken for the purpose of foreign conquest. Such a purpose has never been charged against the United States except in the case of the Mexican war.

These several wars, accompanied by acquisitions of territory, have been so interspersed along our history, that they form the true key of our chronology. Not the successive presidential administrations, but the successive epochs of growth in the acquisition of territory, and the corresponding eras of development in the assimilation of the territory acquired, form the true principle upon which the history of the United States should be studied and written.

Whether these several wars and acquisitions shall be viewed as connected by the relation of cause and effect, or as forming a chain of remarkable coincidence, it is certain that an examination of the territorial map, in connection with a table of dates, will verify the chronological sequence.

1. The Revolutionary war, practically closing in 1781 with the surrender of Cornwallis at Yorktown, was formally terminated in 1783 by the treaty of Paris, confirming the title to our original territory, and defining its limits.

2. The war with France is sometimes omitted from the list of wars, on account of its short duration and its distance from American shores. War, however, actually existed, and had an important influence upon foreign relations. Peace was restored by the convention of September 30, 1800. On the next day, October 1, 1800, France acquired Louisiana, by retrocession from Spain. April 30, 1803, Louisiana was ceded to the United States.

3. Our next war, growing out of the purchase of Louisiana, and a logical sequence of the transaction, was the second war with Great Britain, closing in 1815 with

the brilliant battle of New Orleans. As a corollary, came the complications with Spain and the Indian wars leading up to the treaty of Washington, made between John Quincy Adams and Don Luis de Onis, February 22, 1819. By this treaty the United States acquired Florida, and the cession of all "rights, claims and pretensions" of Spain to the territory of Oregon.

4. Next came the Mexican war, preceded in 1845 by the acquisition of Texas, and followed in 1848 by the Mexican cessions under the treaty of Guadalupe Hidalgo, and in 1853 by the Gadsden purchase. In 1846, the treaty with Great Britain decided the northern boundary of Oregon.

5. Last came the Civil war, fought among ourselves, certainly not undertaken for any purpose of foreign conquest, yet attended by the uniform result of all our wars. It closed in 1865, and was followed in 1867 by the acquisition of Alaska.

In this policy of territorial expansion, the South was the leading factor. It is one of the contributions which the South as a section of the Union, and as a factor in its upbuilding, has given to the United States. Historians have not chosen to emphasize this fact. It is written, however, in the records of the nation, and cannot be successfully denied. This treatise will be devoted to demonstrate its truth.

Before entering upon the discussion, attention is invited to the consideration of several important points which the student of American history is apt to overlook, but which are essential elements to a clear comprehension of the territorial growth, and to an unbiased judgment of the forces which have been the factors in building the Union. The digression will, also, serve to indicate to the reader that this work is not conceived in a partisan spirit.

1. While it is true, that the "broad Atlantic" rolls between America and Europe, apparently separating the

United States from the great powers of the world; yet, nearly every important era or turning point in our history has been more or less affected by the condition of affairs in Europe. This fact is conspicuously illustrated in our acquisitions of territory. Our territorial growth reveals the hand of destiny, and was made possible only by the coincidence of peculiar conditions in America and Europe, affording opportunities which our ancestors might seize, but could not create.

2. Territorial expansion was the foundation of American power and greatness. From the beginning of history to the present time, no country ever exerted a controlling power over the world until it had acquired a wide extent of territory. Greece, while a little peninsula, jutting out into the Mediterranean, did, indeed, possess a population of genius and intelligence, affording light to herself and her neighbors; but she did not reach power and control until after her fleets traversed the Mediterranean, until finally her conquering phalanx swept over the known world, and Alexander wept because there were no more worlds to conquer. Her sister peninsula, Rome, stretching likewise out into the Mediterranean, exerted no controlling influence until her victorious legions had carried the Roman eagles under Scipio into Africa, under Pompey into Asia, under Cæsar into Gaul and Britain; subduing a wider world than Alexander had conquered, and reaching the *ultima thule*. The same is true of Asiatic domination. The empire of Charlemagne, Spanish domination, French domination, rose and fell with the gain and loss of territory. What power did the English race possess while confined to the British Isles? Britain's greatness began when her navy won the dominion of the seas, and placed upon her masthead, "Britannia rules the wave." Then came the spreading of her territory until now, in the language of Daniel Webster, her "morning drum-beat, following the sun and keeping company with the hours, circles the earth

with one continuous and unbroken strain of the martial airs of England."

No nation has reached, or can reach power and greatness, until it rests upon the strong foundation of a wide extent of territory. Had the United States been confined to the limits proposed at the treaty of Paris, accepting the Alleghany mountains for its western boundary, or the Ohio river for its northern boundary; had its progress been arrested at the Mississippi river or at the Florida line; this country might have become a prosperous and happy people, but it would not have been a great and powerful nation. With due respect for the opinions of those who opposed the territorial expansion, experience now enables us to point out their error of judgment, and all should rejoice that the wiser policy prevailed.

3. It is idle to disguise the fact that this country is divided by natural laws into geographical sections differing in soil, climate and domestic interests. "Let there be no North, no South, no East, no West," is a figure of speech used to convey the sentiment that there should be no hostility between the sections. In its figurative sense, this is a patriotic expression worthy of all praise. Taken literally, it would be an absurd protest against the laws of nature. The State lines are political and may be changed. The geographical divisions are natural and ineffaceable. Although the irritating cause, slavery, has been removed, yet other causes remain which must ever render the sections geographically distinct, and must lead to conflicts of interest. Stronger causes bind them together, and enforce conciliation and compromise.

This division into geographical sections need not be deplored by the patriot, and cannot be disguised by the historian. It constitutes the peculiar strength of American institutions. These differences of interest are implanted by nature and must exist whether the several sections are organized into separate nations, or united

under one government. Wide extent of territory involves the union of these several sections under better safeguards for the protection of their conflicting interests than could be obtained under separate governments. No lover of mankind could wish to see them united upon the plan of the spoliation of one section, or the neglect of its interests, for the aggrandizement of the other sections.

Our ancestors did not rush into union blindly. They pondered deeply and cautiously, often hesitating over the questions at issue. Gradually and firmly there grew up an abiding confidence in the benevolence, moderation and good faith of the several States and sections. A confederated republic, with its limitations and "checks and balances," was the result. The Union was built by many factors. No one factor could have built it; neither the North, nor the South, nor the East, nor the West. It needed the distinctive genius of each, and the combined energy of all. No similar spectacle of national development has ever been presented to the world; so vast, so excellent, so progressive, so permanent. Even its internal struggles are evidences of its strength, and its powers of recuperation prove its healthy constitution.

Every step in the formation, growth and preservation of the Union has been almost a historical miracle. It is wonderful that thirteen separate and independent sovereignties, scattered over a wide extent of territory, should voluntarily unite themselves under one government. It is no less wonderful that such a union should survive the reaction of local jealousies and conflicting interests in the earlier periods, when no effort at coercion would have been entertained.

The first century of national government witnessed many tests of the relative strength of its centrifugal and centripetal forces. In the first reaction, in the early periods of the government, there were minor insurrections. They were easily quelled. As the government

progressed, there were serious conflicts of interest and opinion, leading to fierce political strife, and ending in concession and compromise. The territorial acquisitions, becoming alternately the cause and effect of political contests, and complicated with questions of foreign policy, have applied the most severe tests to the centrifugal and centripetal forces of the Union. Questions growing out of the organization of acquired territory disturbed the federal relations when about to settle into quiet and routine. Each section in turn became dissatisfied, and threatened secession. The South, although making an early protest, was the last section to threaten secession, and the only section to carry its threats into execution. The Civil war applied the crucial test, and almost broke the cohesion of the parts. The South, which had made so many sacrifices to establish the Union, was required to make fresh sacrifices for its restoration.

The equilibrium of these forces could not have been maintained, or when disturbed, could not have been restored, without the constant operation of a silent force, operating upon the minds of men unexpressed, sometimes unconsciously, but always controlling the hearts of the American people. It was the same centripetal force which held together the thirteen sparsely settled colonies and enabled them, without constitution or government, to contend successfully against the greatest power of the world on land and sea, to win the battles of the Revolution and the liberties of America. It was the same force which attracted together the scattered elements, and organized them into a confederated republic, which brought to the Union prosperity and expansion, and which has made the United States the only great power whose boundaries have never receded.

This force is the sentiment, deep-seated in the heart of every American, the feeling of American brotherhood, a love for the American system of government, and confi-

dence in American institutions. This sentiment led to the magnanimous cession by Virginia of the Northwest Territory, appeasing jealousy and establishing the confederation. It brought the reluctant state, Rhode Island, finally to ratify the Constitution, controlled the West in the crisis of the Spanish intrigues, restrained New England at the Hartford convention, and made the Confederate soldier "love the Star Spangled Banner while he fought it." This sentiment led to the offer and acceptance of honorable terms of surrender, and to the restoration of peace, and now disposes the hearts of the American people to recall the Civil war with emotions of national pride, rather than sectional malice.

This war did, indeed, arouse deep passions, and threatened to implant sectional animosities which time could never heal, but it was fought on questions of principle and public policy; it did not spring from feelings of mutual antipathy. During its progress, resentments were aroused, but the sentiment of American brotherhood was never destroyed, and feelings of fixed hatred were not engendered. The American people belong to a race of strong passions, but not of sullen temper. They belong to the great Anglo-Saxon-Norman race, the race of heroes, of warriors and of statesmen. After the conquering races had commingled their blood in the British Isles, the nursing ground of the heroic English race, their descendants began to spread over the world, and have everywhere been its leaders. The Southern people inherit the strong passions of their ancestors. They know how to love, how to hate and how to forgive. They could be bound permanently to no country by humiliating ties. The only ties which can bind people of English blood are the ties of love and pride. The Southern people love American institutions, and they are educating their children to be patriots.

If any one doubts the patriotism of the Southern people, let him visit their schools, and listen to the lessons

which they teach their children, or let him attend the annual reunions held by the soldiers who fought the Confederate battles. Here are some of their expressions, taken from the report of the committee on history, unanimously adopted by the United Confederate Veteran Association at its annual reunion at Richmond, Va., June 30, 1896:

"Our children and our children's children, trained by us to sentiments of patriotism, will grow up with love and admiration for the institutions of the United States —those munificent institutions to which their fathers have contributed so much." Referring to the Confederate soldier: "He surrendered as the brave surrender. His surrender meant peace and conciliation." * * * "He returned to the Union as an equal, he has remained in the Union as a friend. With no humble apologies, no unmanly servility, no petty spite, no sullen treachery, he is a cheerful, frank citizen of the United States, accepting the present, trusting the future, and proud of the past." * * * "He must love some country, and he has no other country to love." * * * "He learned to love that flag when he was a boy. He loved it even when he fought it." * * * Referring to the Confederate historian the report says: "Then let the Confederate historian be like his model, the Confederate soldier. He must be patriotic, for he is representing the cause of patriots. He must be candid, for a partisan work will not live in history, and will fail to convince the world." * * * "He must be bold and fearless, but always liberal. He must be eloquent, for he is dealing with a lofty theme—the most gigantic internal struggle which history records—the grandest contribution which the nineteenth century has made to human greatness—America's proudest title to martial glory. He is painting for future ages the picture of that eventful epoch, whose memories are the joint heritage of all Americans, and which is destined to occupy in American history the pathetic place

which the Wars of the Roses now occupy in the annals of England, and in the hearts of Englishmen." Such are the sentiments expressed by Confederate soldiers. Has the great centripetal force, the sentiment of American brotherhood, the love for the American system of government, and confidence in American institutions, yet lost its power over the hearts of the American people?

There is one irritating cause, too petty to exert any controlling influence, but which tends to keep alive passions which war and political strife have failed to perpetuate. A class of partisan writers have attempted to ignore the South as a factor in American institutions, and persist in representing the Southern section as inferior or hostile to the other sections, and have even stained the page of history by false pictures of its people, representing them as drones in the national hive, ungrateful participants in the blessings which other sections have conferred. Such writers deserve rebuke at the North as well as at the South. Their partisan coloring fades in the light of facts. The patriot who loves his country is just to all its sections, and finds in its history abundant reason to rejoice that each factor has performed a distinctive part in its upbuilding.

The above digression, it is hoped, will indicate to the reader that a cordial admiration for the joint work of all the sections in building the greatest nation of the world, is in harmony with an analysis of the distinctive work of each.

A calm review of the development of the United States cannot fail to disclose to the candid mind that the South was the leading factor in promoting the territorial expansion, at each period of acquisition, unless the acquisition of Alaska be excepted.

This discussion must be sectional, as it is written in vindication of a particular section; it must also be national, since it deals with that section as one of the factors of the nation; it must be patriotic as well, for it

relates the history of patriotic devotion and sacrifice. If any apology were needed, it would be found in the fact that this distinctive work of the South, although no new discovery, has not received due recognition. This is not surprising. The sections whose genius has made them leaders in commerce, manufactures and internal improvements, while contributing to the greatness of the whole country, have in the same work built up their own wealth. The evidences are visible on their soil, and attract the eye of the observer. They may be verified in statistics, population, products and tax lists. The results of the Southern policy of territorial expansion have accrued to the whole country, but have left no mark or memento on Southern soil. The controversies to which the organization of the several territorial acquisitions has given rise, have been mingled with collateral questions, leading to the slavery agitation, and culminating in the Civil war.

These collateral questions have been of such immediate and absorbing interest as to divert attention from the due consideration of the causes and effects of the several acquisitions. Discussion has been directed rather to the contests which arose over the assimilation of the territory acquired, its organization into States, and the relations of the new States to the contending political parties. In the contest for control of the acquired territory, the South was outstripped in the race, and its agency in the acquisition has been ignored. Let us now consider each acquisition in chronological order.

CHAPTER II.

THE EXTENSION OF THE TERRITORY OF THE UNITED STATES FROM THE ALLEGHANY MOUNTAINS TO THE MISSISSIPPI RIVER AND NORTH OF THE OHIO RIVER.

THE consideration of this subject involves a discussion of the title of all claimants to the territory between the Alleghany mountains and the Mississippi river from the Florida line to the Great Lakes, and the final cession to the United States of all this territory, except Kentucky, which was erected into an independent state by consent of Virginia. There were three distinct classes of claimants.

First.—The charter claimants:

Second.—Claimants by virtue of alleged grants or purchases from the Indians.

Third.—Foreign claimants.

There was, also, a class of indirect claimants who urged the United States to set up a claim of original right to the jurisdiction and soil of this entire region.

It was urged that the United States ought to seize this entire country as the property of the general government; that this territory, "*if secured by the blood and treasure of all the States, ought in reason, justice and policy to be considered a common stock.*" This agrarian argument aroused the indignation of the charter claimants and threatened to prevent the formation of the Union. Congress, however, was not deceived by the fallacy, and acted with wisdom and justice. By no act or declaration, under the Continental Congress, or under the Confederation, or under the Constitution, did the United States ever assert such a claim, or sanction the policy of

spoliation. Since the United States never appeared as a claimant, the consideration of such claims might be dismissed, were it not for the fact that the persistence with which they were urged upon Congress by outside parties has made the controversy historic, and led to important results. It will, therefore, be necessary at the proper place to trace the origin, progress and final defeat of an effort which, if it had been successful, would either have prevented the Union or would have engrafted upon its fundamental law a pernicious and fatal doctrine.

The charter claimants were six in number: Virginia, Massachusetts, Connecticut, the two Carolinas and Georgia. Their several charters constituted the only legal and valid titles to any portion of this western country. Their conduct was eminently wise and patriotic through the whole controversy. They engaged in no unseemly squabbles, and met with dignity the noise that was made by those who had neither legal title nor equitable rights. They ended the controversy by the patriotic cession of the whole country to the United States.

Virginia claimed the whole territory from her southern boundary line extending to the Mississippi and up northward to the Great Lakes, including Kentucky and all the country which afterward became the Northwest Territory. This claim was based upon her charter of 1609, and upheld by actual possession and by civil and military occupation. She remained in actual possession until the country was ceded to the United States. Her claim was undisputed by any charter claimant as far north as the 41st parallel.

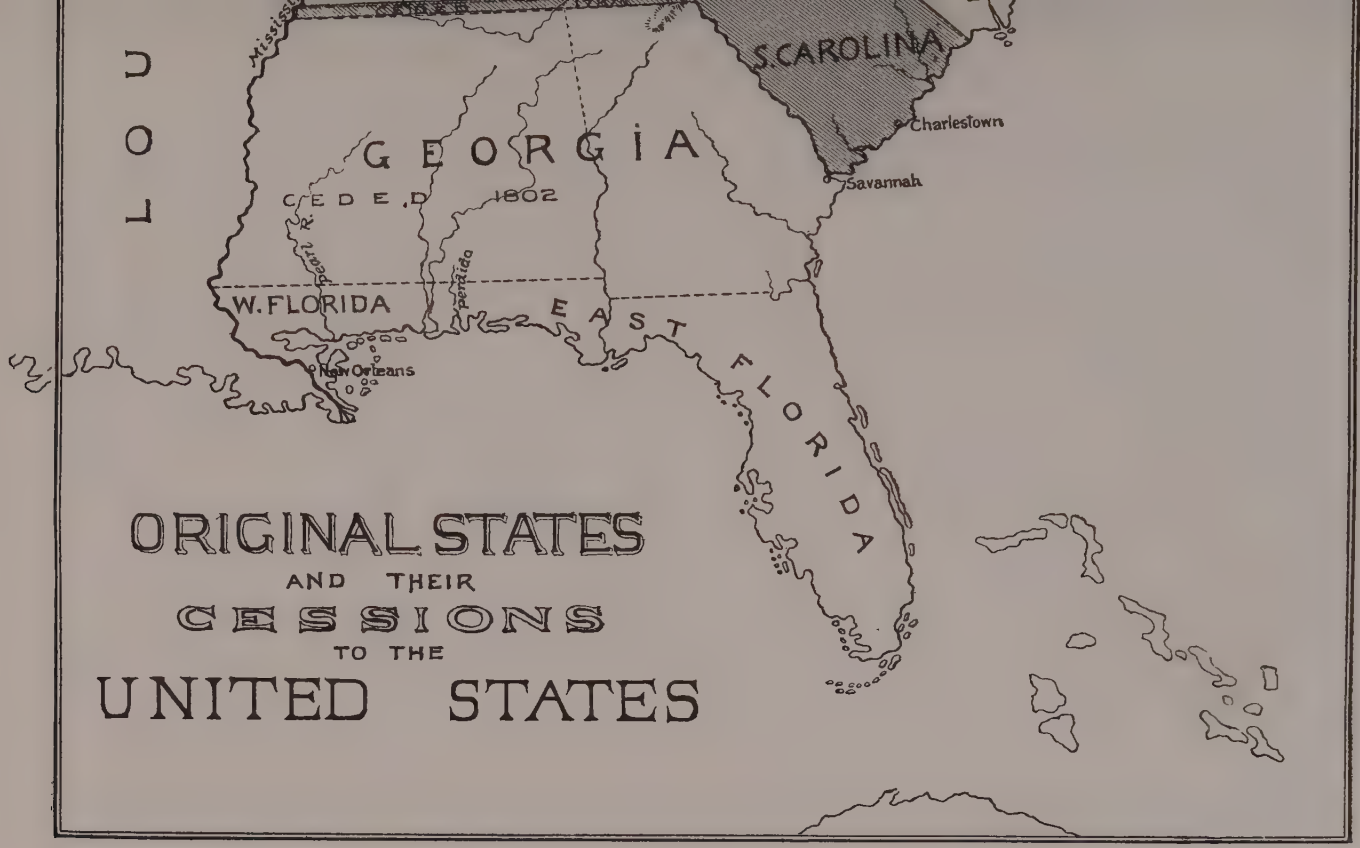
Massachusetts and Connecticut claimed that their charters extended westward to the Mississippi, covering the narrow belts running across the territory in possession of Virginia, and embraced in the westward extension of their respective northern and southern boundary lines. Neither of these States had ever occupied any portion of the territory up to the time of the cessions, and neither

made any attempt to occupy it. Had either of them desired to test their claims, the tribunal was within easy reach, to which Georgia and South Carolina referred their territorial dispute—the tribunal provided under the ninth article of the confederation. There was no necessity, however, as they all contemplated ceding their claims to the United States.

North Carolina, alone, possessed an undisputed claim. Her western territory was co-extensive with the present State of Tennessee.

A conflict of title between South Carolina and Georgia was submitted to Congress under the ninth article of the confederation, but was settled by friendly compromise before the court appointed by Congress was ready to begin the trial. It was decided that a strip about twelve miles wide, extending from the present limits of the State westward to the Mississippi, and running along the southern border of Tennessee, should belong to South Carolina. All south of this strip to the Florida line should belong to Georgia.

The second class of claimants, under alleged grants and purchases from the Indians, were the State of New York and several land companies. The claim of New York was vague and shadowy, covering a large and indefinite tract of country without specified boundaries, and based upon no acknowledged principles of custom, law or equity. New York made skillful use of this claim, and did the only thing which it was possible to do with it, except to abandon it. She ceded it to the United States. The land companies, especially the Indiana and the Vandalia companies, proved to be arrogant, persistent and aggressive claimants. Hoping to realize immense profits from the lands which they had pretended to acquire for a trifle, they resorted to all the arts of the lobbyist. Having acquired an undue and sinister influence in Congress, they used it to promote discord, and even to imperil the Union. They were ultimately defeated, and their claims justly ignored.


LOU
S.CAROLINA
Charlestown
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W.FLORIDA
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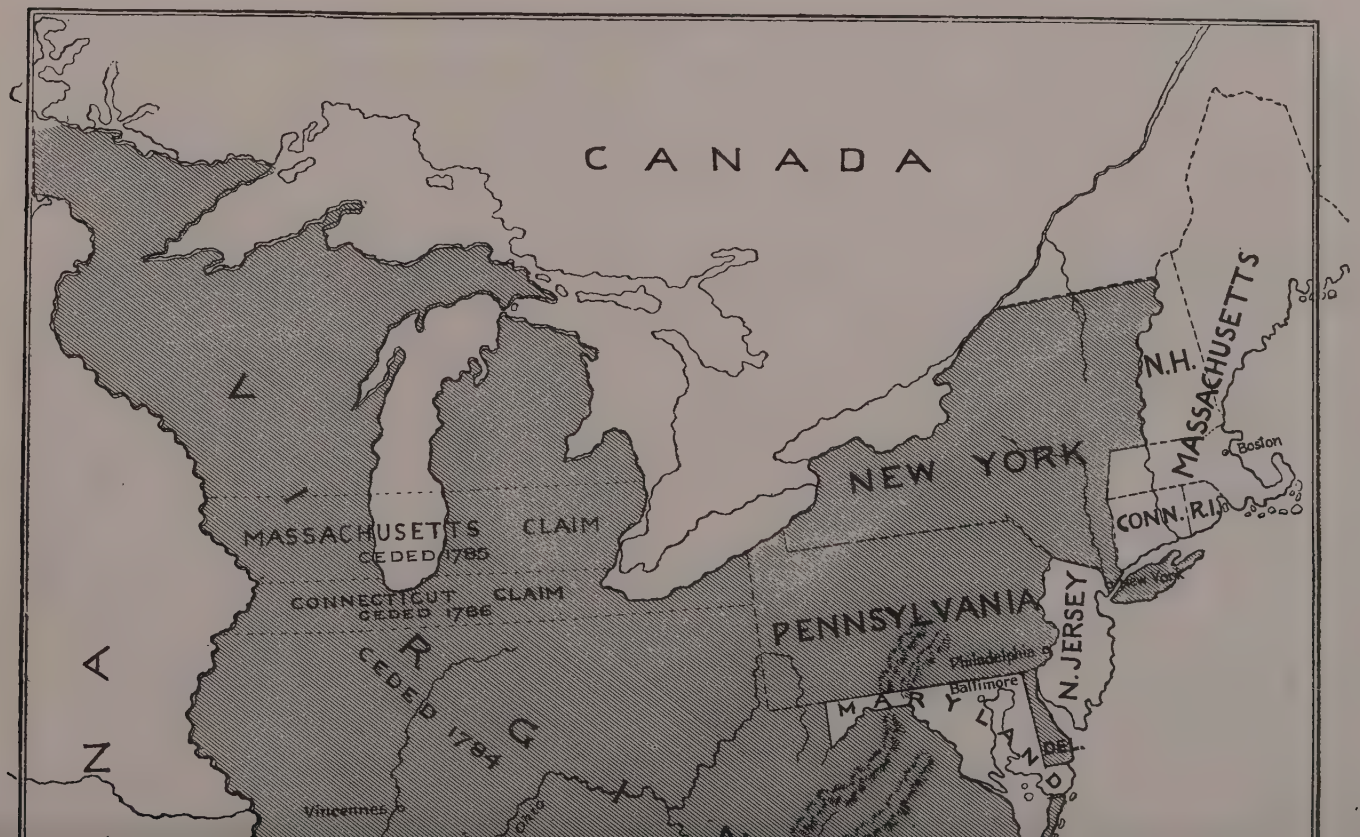
CANADA
L
MASSACHUSETTS CLAIM
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PENNSYLVANIA
N.H.
MASSACHUSETTS
Boston
CONN.
R.I.
New York
N. JERSEY
Philadelphia
Baltimore
MARYLAND
DEL.
Vincennes
Ohio

The foreign claimants were Great Britain and Spain. Spain proposed as the price of alliance with the United States, that the region from the Alleghany mountains to the Mississippi river, and from Florida to the Ohio river, should constitute an Indian reservation, of which the western half should be under the protection of Spain and the eastern half under the protection of the United States; that Spain should be permitted to occupy this country with her troops, so that she could claim it from Great Britain under the principle of *uti possidetis*. This reservation would have covered the present States of Alabama, Mississippi, Tennessee and Kentucky. France sustained Spain in this demand and urged it upon Congress.

Great Britain, in addition to her ancient title to the entire territory of the colonies, laid especial claim to the country northwest of the Ohio river, by virtue of her act of parliament in 1774, commonly known as the "Quebec Act," by which she had annexed all that region to Canada. In assertion of this claim, she took possession of the country early in the war, and occupied it with British troops. At the suggestion and under the guidance of her illustrious citizen, General George Rogers Clarke, Virginia organized an expedition composed of Virginia soldiers, in Virginia pay, without assistance from the United States, expelled the British from the territory, and held it at the close of the war, in the name of the State.

These foreign claims came up for settlement, not before Congress, but by treaty with foreign nations; yet the uncertainty served to render the whole question still more complicated. The two charter claimants, Virginia and North Carolina, were the only States who supported their titles by actual settlement, and by civil and military occupation. The settlements along the Mississippi, the Wabash and the Ohio, and in Kentucky, and the military occupation by George Rogers Clarke, on the part of

Virginia; and the settlements along the Watauga and the Cumberland, and the operations of Robertson and Sevier on the part of North Carolina, supported and maintained the charter rights of all the claimants to the western lands. The cabin and the rifle of the pioneer guarded the charters of the States, and enabled our commissioners in negotiating the treaty of peace to add to the abstract charter titles the plea of possession, and thus to prevent the limitation of the boundaries to the Alleghany mountains or the Ohio river. (Roosevelt's Winning of the West, Vol. 2., p. 373; Vol. 3, p. 243.)

At the treaty of Paris, the United States was fortunate in the services of three of her ablest diplomats, John Adams, John Jay and Benjamin Franklin. After Great Britain signified her willingness to grant independence, negotiations were delayed on several important questions, the most important of which was the question of boundary. The three commissioners were united in demanding boundaries which should include every foot of land within the charter limits of every State. They differed only in the methods of negotiations to secure the end. Dr. Franklin was disposed to confide in France, and to work in harmony with her representatives. Jay was distrustful of the designs of France, and favored direct negotiations with England without the privity of France. Adams, upon his arrival, warmly sided with Jay, and Franklin yielded. Whether the course favored by Franklin would have been successful, can only be conjectured. The course pursued at the suggestion of Jay and Adams was eminently successful, and achieved a brilliant diplomatic victory.

The purposes of Spain, though aided by France, were thwarted, and Great Britain acceded to the demands of the United States. (See Narrative and Critical Hist. of Am., VII. 2, and Lecky's Hist. of Eng., Vol. 4.)

After the fortunate expedient of Jay in sending Vaughan to confer with Lord Shelburne, Great Britain

seemed suddenly to adopt a policy at variance with her former obstinate and haughty tone toward America, and there was no longer any trouble about the western boundaries. In addition to the views which the British negotiators expressed, we may well conjecture that there were others to which no public expression was given.

It was no part of British policy to build up either France or Spain in America, and it was, perhaps, fortunate that France took a decided and active part in urging the claims of Spain. The British leaders saw in it an attempt to gain a foothold east of the Mississippi over territory which Great Britain had been accustomed to regard as her own. It was less galling to her pride to yield it to America than to extend the dominions of Spain at the demand of France. In addition to this, the British statesmen believed that the American republics could not hold together, and confidently expected that in a short time some, if not all of them, would return to the mother country. They were already quarreling among themselves over this very territory, and doubtless the quarrel was considered abroad as more dangerous than it really was. Was it not better for Great Britain to leave them this bone of contention than to cure their quarrels by removing the cause? It had already delayed the Union for many years and was still an unsettled question. Would not the quarrel be renewed with greater violence as soon as the pressure of a foreign war was removed? If these states should return they would bring this territory back with them. Besides, a liberal policy and the decision of this point in her favor against the wishes of France and Spain, would tend to detach America from her allies, and restore confidence in the mother country. On the other hand, Great Britain could not hope, and perhaps did not wish, to establish permanently cordial relations with France and Spain. Influenced by considerations of this nature, and in accordance with the heroic

British character, which is as positive and magnanimous in concession as it is bold and haughty in aggression, Great Britain consented that the boundaries should be established in accordance with her charters to the several States, and in the case of the northwestern boundary, yielded her claims under the "Quebec Act" to the principle of *uti possidetis*, which Virginia so happily supplied by the success of her expedition under George Rogers Clarke. The boundaries were established to extend to the Great Lakes, the Mississippi river and the Florida line, embracing all the western territory within the charter claims of Georgia, the Carolinas, Virginia, Connecticut and Massachusetts, the claim of Virginia alone extending to Lake Superior.

Let us now review the controversy which a few of the States without color of title and the land companies so long waged in Congress against the charter claimants, especially against Virginia, and let us begin at the beginning. This controversy started in 1776 between Maryland and Virginia, and grew out of the proceedings connected with the instructions to the Virginia delegates to move in Congress for independence, confederation and foreign alliances. Virginia was the leader in these three propositions. Maryland instructed her delegates to oppose them all.

The conventions of the two States were in session at the same time. Let us examine their proceedings to arrive at the origin of the controversy.

The Virginia convention met at Williamsburg, May 6, 1776. Some of her leaders were absent. Washington was in command of the army. Jefferson, Richard Henry Lee and George Wythe were in Congress. Yet many of her ablest men were present, some of whom were already famous, and others were to gain fame in this assembly. Patrick Henry was there in the plenitude of his powers, the ruling spirit of the convention. Edmund Pendleton presided over the deliberations,

Thomas Nelson was the mover of its most important resolutions. George Mason was the author of its "Declaration of Rights." Other delegates, scarcely less illustrious, were among its members. Two young men, James Madison and Edmund Randolph, here began their careers.*

May 15th the following resolutions were adopted:

"Resolved, unanimously, That the delegates appointed to represent this colony in General Congress, be instructed to propose to that respectable body to declare the United Colonies free and independent States, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain, and that they give the assent of this colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the colonies, at such time, and in the manner, as to them shall seem best; Provided, that the power of forming government for, and the regulations of the internal concerns of each colony, be left to the respective colonial legislatures.

"Resolved, unanimously, That a committee be appointed to prepare a Declaration of Rights, and such a plan of government as will be most likely to maintain peace and order in this colony, and secure substantial and equal liberty to the people." (Life of Patrick Henry, by W. W. Henry, Vol. 1, Ch. 16; American Archives, Fourth Series, Vol. 6, p. 1524.)

These resolutions, prefaced by a strong preamble, were offered by Thomas Nelson, and were seconded by Patrick Henry in words of burning eloquence. Copies were sent to the several colonial legislatures and were presented to Congress May 27th.

In obedience to these instructions, Richard Henry Lee, on behalf of the Virginia delegates, offered the following resolutions in Congress June 7, 1776:

* For a more detailed account of the proceedings of this convention see Life of Patrick Henry, by W. W. Henry, Vol. 1, Chap. XVI.

"That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and all political connection between them and the state of Great Britain is, and ought to be, totally dissolved.

"That it is expedient forthwith to take the most effectual measures for forming foreign alliances.

"That a plan of confederation be prepared and transmitted to the respective colonies for their consideration."

Thus was outlined the policy of Virginia. By the adoption of the motion of her delegates, July 2, 1776, it became the policy of the United States. (Am. Arch., Fourth Series, Vol. 6, p. 1699.)

Let us now examine the policy of Maryland. Her state convention met May 15, 1776, the day on which the convention of Virginia adopted the instructions in favor of independence. May 21, 1776, the Maryland convention gave to its delegates the following instructions:

"Resolved, unanimously, That, as this convention is firmly persuaded that a reunion with Great Britain on constitutional principles would most effectually secure the rights and liberties, and increase the strength and promote the happiness of the whole empire, objects which this province has ever had in view, the said deputies are bound and directed to govern themselves by the instructions given to them by this convention in its session in December last, in the same manner as if said instructions were particularly repeated." (Am. Arch., Fourth Series, p. 463.)

The previous instructions to her deputies in Congress, adopted January 12, 1776, and referred to above, contained strong expressions of attachment to Great Britain and the ardent desire for reconciliation. They comment on "the mildness and equity of the English Constitution, under which we have grown up to, and enjoyed a state of felicity not exceeded among any people we know

of, until the grounds of the present controversy were laid by the ministry and parliament of Great Britain."

After these preliminary expressions, the legislature proceeds to give explicit instructions on three points: independence, foreign alliance and national union. These instructions are so interesting that they are quoted below, as follows:

"As upon the attainment of these great objects, we shall think it our greatest happiness to be thus firmly united to Great Britain, we think proper to instruct you that, should any proposition be happily made by the crown or parliament that may lead to, or lay a rational and probable ground for reconciliation, you use your utmost endeavors to cultivate and improve it into a happy settlement and lasting amity; taking care to secure the colonies against the exercise of the right assumed by parliament to tax them, and to alter and change the charters, constitution and internal policy without their consent—powers incompatible with the essential securities of the colonists." (American Archives, Fourth Series, p. 463.)

"We further instruct you, that you do not, without the previous knowledge and approbation of the convention of this province, assent to any proposition to declare these colonies independent of the crown of Great Britain, nor to any proposition for making or entering into alliance with any foreign power, nor to any union or confederation of these colonies which may necessarily lead to a separation from the mother country, unless in your judgment, or in the judgment of any four of you, or a majority of the whole of you, if all shall be then attending in Congress, it shall be thought absolutely necessary for the preservation of the liberties of the United Colonies; and should a majority of the colonies in Congress, against such your judgment, resolve to declare these colonies independent of the crown of Great Britain, or to make or to enter into alliance with any foreign crown, or

into any union or confederation of these colonies, which may necessarily lead to a separation from the mother country, we instruct you immediately to call the convention of this province, and repair thereto with such proposition and resolve, and lay the same before the said convention for their consideration; and this convention will not hold this province bound by such majority in Congress, until the representative body of the province in convention assent thereto."

The resolutions of the Virginia delegates, embracing the three propositions of independence, foreign alliances and confederation, were debated June 8, 1776. A report of these debates is given by Mr. Jefferson in the Madison papers, Vol. 1, p. 9, *et seq.*

Messrs. Wilson, Robert R. Livingston, E. Rutledge, Dickenson and others, although personally favorable to the measures proposed, argued for delay. The middle colonies, they argued, "were not yet ripe for bidding adieu to Great Britain, but they were fast ripening;" "some of them had expressly forbidden their delegates to consent to such a declaration;" "that if such a declaration should now be agreed to, these delegates must retire, and possibly their colonies might *secede* from the Union."

The other side was argued by J. Adams, Lee, Wythe and others, who urged prompt action, and argued: "There are only two colonies, Maryland and Pennsylvania, whose delegates are absolutely tied up, and that these had by their instructions, only reserved the right of confirming or rejecting the measure;" "that the backwardness of these two colonies might be ascribed partly to the influence of proprietary power and connections, and partly to their having not yet been attacked by the enemy;" "that the conduct of some colonies, from the beginning of this contest, had given reason to suspect it was their settled policy to keep in the rear of this Confederacy, that their particular prospect might be better even in the worst event."

It was decided to wait for the colonies "not matured for falling from the parent stem." So the final decision was postponed to July 1, and a committee was appointed to prepare a "Declaration of Independence."

Fortunately for the country, the deliberations in regard to independence came to a speedy conclusion. All opposition vanished. July 4, 1776, the remarkable result was reached, which was ultimately attained by every vital issue of the "Critical Period"—unanimity. Before this result was achieved, and closely connected with it, an event occurred which hastened the Declaration of Independence, and delayed the consummation of confederation. This event led to acrimonious controversy, and the revival of the old colonial feud between Virginia and Maryland.

This feud originated with the settlement of Maryland. The grant to Lord Baltimore was made by the crown out of lands within the charter limits of Virginia. It was regarded by the colonists as an arbitrary violation of their charter rights, against which they made unavailing protest. In addition to this they were indignant that a colony of Catholics should be established in their vicinity. Partaking in the prejudices of the times, they felt indignation and feared danger at the prospects of papists for neighbors. They were, also, jealous of certain commercial privileges accorded to this new colony in which they were not permitted to share. When the new settlers arrived to take possession of their grant, they were not received with the proverbial Virginia hospitality. The Marylanders were not slow to resent this unfriendly disposition, and the relations between the two colonies assumed a hostile aspect. Acrimonious controversies and personal encounters marked its earlier stages. Virginia never relinquished her claim to the territory during her whole colonial life, and made several efforts to recover its possession. Before the Revolution, however, her people had become accustomed to the situation, and cor-

dial relations began to grow up between the two colonies. These relations were strengthened by their mutual participation in the Revolution.

These old quarrels are now happily healed, and the people of no two states in the Union are now bound by ties of more cordial friendship than the people of Virginia and Maryland. The mention of this historic feud now excites a smile rather than angry sentiments, because it long ago reached friendly adjustment, and its solution produced results beneficial to the whole country, and of which both states are proud.

The event alluded to, which revived this colonial feud, was the capture by Virginia of letters from Lord George Germaine, the English secretary of state, addressed to "Robert Eden, Esq., deputy governor of Maryland." Governor Eden was the brother-in-law of the last proprietor of Maryland. (Maryland, William Hand Brown.)

The sixth Lord Baltimore, dying in 1771, leaving no legitimate issue, bequeathed Maryland to his natural son, Henry Harford. After the beginning of the Revolutionary war, Governor Eden occupied a peculiar position. He remained as governor of Maryland, and exercised his functions as the representative of the proprietary interest, with the concurrence of the convention, and enjoyed a high degree of confidence and popularity, although making no secret of his attachment to the interests of England. The exemption of Maryland from British attack was attributed to his presence, and excited the suspicion of the other colonies.

Lord George Germaine, under date of December 23, 1775, wrote to Governor Eden two letters which were captured by Captain Barron on the Chesapeake bay, from a British vessel, some time in April, 1776, and were delivered to the Virginia committee of safety. These intercepted letters were forwarded to the authorities of Maryland, and their contents communicated to Congress. Thereupon, the president of Congress wrote

to the Maryland council of safety, urging the immediate arrest of Governor Eden and inclosing the "Resolve of Congress" to the following effect:

"That information had come to Congress that the governor carried on a correspondence with the ministry highly dangerous to American liberty, which was confirmed by some letters to him from Lord George Germaine, lately intercepted and sent up to Virginia, by which it appears to them that the public safety requires his person and papers to be seized; that they recommend it to this council of safety to secure him and them immediately and send them to Philadelphia. (Am. Arch., Fourth Series, Vol. 6, p. 735.)

About the same time, General Charles Lee ordered the commanding officer of the troops at Annapolis to arrest Governor Eden. This order was conveyed through Mr. Samuel Purviance, chairman of the Baltimore committee, and steps were taken for the arrest. The Maryland council of safety interposed at this point, and prevented further proceedings. The matter was referred to the Maryland convention, which, May 24, nine days after the instructions of Virginia to move independence, took action censuring Mr. Purviance, and adopting resolutions containing, among others, the following:

"It is the intention of this convention to preserve, as far as may be, the ostensible form of government, in hopes it may have some influence toward a reunion with Great Britain." * * *

"Therefore, the request is, that the governor will not take an active hostile part; or, until the event of the commissioners is known, that he will not correspond with administration, or those who may be carrying on hostilities in America, directly or indirectly."

"If the governor thinks himself at liberty to enter into such engagement, it is much the inclination of the convention that he should continue in the province in his station." (Am. Arch., Fourth Series, Vol. 6, p. 736–7.)

To this communication, after some delay, Governor Eden replied, declining to accept the terms proposed, and requesting permission to return to England. To this communication the convention replied, commending the course of the governor, granting the request and inviting his services in behalf of reunion with England. A committee was appointed to wait on him and present the following address:

"To his Excellency Robert Eden, Esq., Governor of Maryland:

"May it please your excellency: We are commanded by the convention to wait upon your excellency, and to communicate to you the resolutions they have this day entered into; and we are instructed to assure your excellency that the convention entertains a favorable sense of your conduct, relative to the affairs of America, since the unhappy differences have subsisted between Great Britain and the United Colonies, as far as the same hath come to their knowledge, and of their real wish for your return, to resume the government of this province, when we shall happily be restored to peace, and that connection with Great Britain, the interruption and suspense of which have filled the mind of every good man with the deepest regret.

"From the disposition your excellency hath manifested to promote the real interest of both countries, the convention is induced to entertain the warmest hopes and expectations that, upon your arrival in England, you will represent the temper and principles of Maryland with the same candor you have hitherto shown, and that you will exert your endeavors to promote a reconciliation, upon terms that may be secure and honorable both to Great Britain and America."

"To which his excellency returned no answer, but received assurances that he might send down to the Capes for a man-of-war, having engaged by letter to Mr. Carroll, that it should commit no hostilities whilst up for him." (Am. Arch., Fourth Series, Vol. 6, p. 737–8.)

A copy of the proceedings of the convention relative to Governor Eden, together with a request for a passport from Virginia, were sent to the president of the Virginia committee of safety, in a letter from the president of the Maryland convention, dated May 25, 1776. This letter was laid before the Virginia convention May 31, and aroused a strong feeling of indignation. This sentiment will be readily understood when it is remembered that the letters of Lord George Germaine to Governor Eden had been intercepted by the Virginia authorities and by them conveyed to the authorities of Maryland and to Congress.

These intercepted letters furnished indubitable evidence that Governor Eden had heretofore conveyed to the British ministry information which they deemed valuable, and that he was expected by them to use the anomalous official position in which the Maryland convention persistently retained him, to furnish information to Great Britain, and to aid in measures for the subjugation of Virginia and other Southern colonies, while Maryland was left free from invasion. The letters did not prove that Governor Eden assented to the Southern invasion, but they did show that the British government relied on him to aid in such purposes, and that he had heretofore furnished important information. This is clearly shown in the following intercepted letter:

"WHITEHALL, December 23, 1775.

"SIR:—It was not until the 27th of November, that your dispatch to Lord Dartmouth, of the 27th of August, was received here, when I had the honor of laying it before the King. And I have it in command from his Majesty to express to you his Majesty's approbation of your zeal for the publick service, and of the unalterable attachment you have shown to his person and Government, from the first commencement of the present unhappy disputes, which have involved his Majesty's faithful servants in the Colonies in difficulties and distress

that are only to be equalled by the fortitude with which they are borne.

"Your letter contains a great deal of very useful information, and your confidential communication of the characters of individuals, more especially of such as come over into England, is of great advantage; and you may rest assured that every possible precaution will be used that no part of your letter shall transpire.

"An armament, consisting of seven regiments and a fleet of frigates and small ships, is now in readiness to proceed to the Southern Colonies in order to attempt the restoration of legal Government in that part of America. It will proceed, in the first place, to North Carolina, and from thence either to South Carolina or Virginia, as circumstances of greater or less advantage shall point out; if to the latter, it may have very important consequences to the Colony under your government, and therefore you will do well to consider of every measure by which you may, in conjunction with Lord Dunmore, give facility and assistance to its operations.

"I am, sir, your most obedient servant,

"GEORGE GERMAINE.

"To ROBERT EDEN, ESQ., Deputy-Governor of Maryland.

"Copy.

"J. PENDLETON, C. C. Safety for Virginia."

When, therefore, the action of the Maryland convention was announced to Virginia, accompanied with a request for passports to enable Governor Eden to join Lord Dunmore and the British fleet, it is not surprising that the proposition excited surprise and alarm. The Virginia convention, May 31st, took the following action:

"Resolved, unanimously, That the committee of safety be directed to write a letter to the president of the convention of Maryland in answer to his letter of the 25th inst., expressing the deepest concern at the proceedings of that convention respecting Governor Eden, and our reason for not becoming accessory thereto, by giving

him a passport through this colony or the bay adjoining. That we would with reluctance, in any case, intermeddle in the affairs of a sister colony; but in this matter we are much interested, and the convention of Maryland, by sending their proceedings of the committee of safety here, have made it the duty of the convention to declare their sentiments thereon. That, considering the intercepted letter from Lord George Germaine to Governor Eden, in which his whole conduct and confidential letters are approved, and he is directed to give facility and assistance to the operations of Lord Dunmore against Virginia, we are at a loss to account for the council of safety of Maryland, their having neglected to seize him, according to the recommendation of the general Congress, and more so for the convention having promoted his passage to assist in our destruction, under a pretense of his retiring to England, which, we conceive from the above letter, he is not at liberty to do; that, supposing he should go to Britain, it appears to us that such voyage, with the address presented to him, will enable him to assume the character of a public agent, and, by promoting diversion and disunion among the colonies, produce consequences the most fatal to the American cause; that, as the reasons assigned for his departure, 'that he must obey the ministerial mandates while remaining in his government,' are very unsatisfactory, when the convention declare that in his absence the government, in its old form, 'will devolve on the president of the council of state, who will be under equal obligations to perform such mandates, we cannot avoid imputing those proceedings to some undue influence of Governor Eden, under the mask of friendship to America, and of the proprietary interest in Maryland, where the members of that convention were betrayed into a vote of fatal tendency to the common cause, and we fear to this country in particular, and feel it an indispensable duty to warn the good people of that province to guard against the proprietary influence."

"Resolved, That the foregoing resolution be forthwith published in the Virginia Gazette." (Am. Arch., Fourth Series, vol. 6, pp. 1544-45.)

This protest of Virginia was timely. Its publication produced important effects, all of which were ultimately salutary, though exciting temporary irritation. June 11th the delegates of Maryland in Congress wrote to the Maryland council of safety:

"We are astonished at the ungenerous and malevolent turn given to the proceedings of our convention by that of Virginia, and hope that they will be as unsuccessful in their nefarious attempt to stir up the people of Maryland against their representatives as they have hitherto been in their endeavors to render the councils of that province suspected."

They thought it important, however, in the same letter to urge advice similar to the suggestion of Virginia, though not couched in the same plain language. They say: "It will be necessary that the convention of Maryland should meet as soon as possible to give the explicit sense of the province on this point (the Declaration of Independence); and we hope that you will accordingly exercise your power of convening them at such time as you think the members can be brought together."

The council of safety had already acted, and by circular of June 9th had summoned the delegates to meet in convention at Annapolis June 20th, and to be punctual, "as the business is very urgent and will not admit of a moment's delay." The convention met at the time appointed. Their action is thus described in the interesting history of Maryland by William Hand Brown. (Commonwealth Series, p. 280.)

"They summoned their deputies back from congress, and then laid the question before the freemen. These, meeting in their sovereign political capacity in their several counties, instructed their representatives in the convention to rescind the restrictions imposed upon the

deputies in Congress, and to allow them to unite with those of the other colonies in declaring independence and forming a confederation."

The Maryland convention defended its previous action upon the ground of lack of authority, claiming that its powers were limited to carrying out the non-importation agreements; "that it had been empowered to exercise its functions with a view to reconciliation with Great Britain, and that it had no power to declare independence —for that it must go to the people."

This view of passive obedience does not accord with the vigor and warmth of the instructions to her delegates, issued by the convention in the previous month, nor with the earnestness with which they implored the offices of Governor Eden with the British ministry. How far the convention was influenced by the proprietary interests, as charged by Virginia, cannot be determined. One thing, however, is clear: The convention had been very slow "to go to the people." The blunt letter of Virginia, rebuking not the people of Maryland but its convention, was an important factor "to stir up the people" as well as the convention. As soon as the opportunity was afforded them, the people of Maryland responded nobly, and the convention caught their spirit. Action was prompt. There was no quibbling or shuffling to preserve consistency. The convention went to the people and obeyed their voice. The policy was instantly reversed, and Maryland's vote was made ready for independence. July 1st her delegates laid before Congress the resolutions of the Maryland convention, adopted June 28th.

By these resolutions the previous instructions were revoked, and the restrictions therein contained removed; and the deputies were "authorized and empowered to concur with the other United Colonies, or a majority of them, in declaring the United Colonies free and independent States, in forming such further compact and con-

federation between them, in making foreign alliances, and in adopting such other measures as shall be adjudged necessary for securing the liberties of America; and that said colony will hold itself bound by the resolutions of a majority of the United Colonies in the premises, provided the sole and exclusive right of regulating the internal government and police of that colony be reserved to the people thereof."

The next day, July 2d, the motion of the Virginia delegates of June 7th was adopted in Congress, and the vote of Maryland is recorded in the affirmative. Thus, the first effect of the revival of the old colonial feud was beneficial to the country. But the feud did not end here.

The Maryland convention having obeyed the voice of the people and placed the State in its true position, now turned attention to censure Virginia for what they styled the appeal "to the good people of this province against their convention." Waiting two days for the rejoicings of July 4th to subside, the Maryland convention, July 6th, adopted a series of resolutions defending their own course with regard to Governor Eden, and censuring Virginia for publishing the resolutions of May 31st. These resolutions of Maryland are too long to quote. They are strongly worded, and, though courteously expressed, evince a feeling of deep resentment. (American Archives, Fourth Series, vol. 6, pp. 1506, 1727.)

The opportunity to repay Virginia in kind was now at hand. The convention of Virginia did not stop with instructing her delegates in Congress to move for independence and confederation. Without waiting on the result, the convention entered upon the work of preparing the State for independence and union. Her "Declaration of Rights" was adopted June 12th, and her "Constitution or form of government" was adopted, with like unanimity, June 29th. Article XXI of this instrument was intended to pave the way to confederation by releasing all title to

the territory of other States, which had been carved out of her territory by grants of the crown, and which had occasioned colonial disputes, especially with Maryland. This article reads as follows: "The territories contained within the charters erecting the colonies Maryland, Pennsylvania, North and South Carolina, are hereby ceded, released and forever confirmed to the people of those colonies respectively, with all the rights of property, jurisdiction and government, and all other rights whatsoever which might at any time heretofore have been claimed by Virginia, except the free navigation and use of the rivers Potowmack and Pohomoke, with the property of the Virginia shores or strands bordering on either of the said rivers, and all improvements which have been made or shall be made thereon. The western and northern extent of Virginia shall in all other respects stand as fixed by the charter of King James the First, in the year one thousand six hundred and nine, and by the publick treaty of peace between the courts of Great Britain and France in the year one thousand seven hundred and sixty-three; unless, by act of legislature, one or more territories shall hereafter be laid off, and governments established westward of the Alleghany mountains. And no purchase of lands shall be made of the Indian natives but on behalf of the publick, by authority of the general assembly." (Henning's Statutes of Virginia.)

Judge Haywood remarks on this action: "Here was magnanimously cut off and surrendered all the territory which had been taken from Virginia to satisfy the grants to the Lords Proprietors." (Haywood's Hist. of Tenn., p. 6.)*

Haywood is just in calling this action magnanimous. While Virginia could not, perhaps, have maintained a

*Revised extracts from a series of articles written by the author and published by the Tennessee Historical Society, and in current magazines, are used in this chapter without quotation marks or references.

successful claim to the possession of those territories to which her abstract prior title had so long lain dormant, and had been weakened, if not destroyed, by so many capricious grants from the same power by which it was created, yet her position offered strong temptations to pursue the time sanctioned European policy, the policy which European statesmen consider sagacious, which has built up all the great powers of Europe at the expense of their neighbors, and which is pursued now and ever has been pursued throughout the whole history of their diplomacy. That policy would have been to nurse her claims, to hold them as a perpetual thorn in the side of her neighboring States, to prevent the formation of the union, to make herself the great central absorbing power, and gradually to encroach on the lesser States. Such a policy was feared by several of the smaller States, especially by Maryland. Had a monarch ruled the destinies of Virginia, such would have been the inevitable tendency of events. With wealth, population and resources then superior to any of the States, the prospect was certainly alluring, had the ambition of Virginia aimed at empire. But a far different spirit animated her people. Fired with the love of liberty, and struggling for their own freedom from the grasp of Great Britain, no thought entered their minds of aggression against the brethren fighting by their sides. Impelled by this spirit of her people, she devoted her efforts to bind the States in a fraternal compact, to remove all causes of jealousy, and to build up a great and permanent Federal republic, and she hastened to surrender all claims to the territory of her sister States.

The Maryland convention, however, was in no frame of mind to recognize the magnanimity of Virginia. On the 29th of October the Maryland convention entered upon its journal the following note: "This convention, being informed that in the constitution or form of government agreed upon by the delegates of Virginia, a claim is made by them injurious to the inhabitants of

this state,"(American Archives, Fifth Series, vol. 3, p. 133), "Ordered, That the same be read, and the same was read, as follows, to wit:" The twenty-first section of the Virginia constitution, as above quoted, was then read, and the convention resolved to consider the matter on the next day, October 30th. The consideration was resumed at the time appointed, whereupon a series of three resolutions was adopted. These resolutions make no acknowledgment of the effort of Virginia to terminate the old colonial disputes by the cession of her charter claims, but seem rather to resent it. The first resolution is in the following words: (Ibid., p. 134.)

"Resolved, unanimously, That it is the opinion of this convention that the State of Virginia hath not any right or title to any of the territory, bays, rivers, or waters included in the charter granted by His Majesty Charles the First to Cæcilius Calvert, Baron of Baltimore." (Am. Arch., Fifth Series, vol. 3, pp. 133, 134.)

The second resolution is devoted to boundary claims, asserting "sole and exclusive jurisdiction over the said river Potowmack," etc. The third resolution is the one which demands our attention. It is as follows:

"Resolved, unanimously, That it is the opinion of this convention that the very extensive claim of the State of Virginia to the back lands hath no foundation in justice, and that if the same or any like claim is admitted, the freedom of the smaller States and the liberties of America may be thereby greatly endangered; this convention being firmly persuaded that, if the dominion over those lands should be established by the blood and treasure of the United States, such lands ought to be considered as a common stock, to be parceled out at proper times into convenient, free and independent governments."*

This resolution marks the beginning of the contro-

* Mr. Herbert B. Adams, in "Maryland's Influence Upon Land Cessions," does not mention this resolution of Maryland, but treats her movement as beginning with the motion made in Congress October 15, 1777, nearly one year later.

versy which delayed the formation of the Confederation for nearly five years, and threatened, at one time, to defeat it. The spirit of retaliation against Virginia is manifest upon its face, yet it ultimately led to good results. Just as the timely thrust of Virginia had awakened the people of Maryland to the patriotic action which hastened the Declaration of Independence, so the retaliation of Maryland, though failing signally, as we shall hereafter see, in the measures proposed by the State, yet had the effect to draw attention to the subject, and ultimately induced Virginia to reconsider the territorial policy announced in her constitution, and to make the voluntary cession of her western possessions the most magnanimous act of history.

The territorial policy of Virginia had been foreshadowed in her constitution of June 26th, 1776, which was passed by the unanimous vote of her convention. This instrument declares that her western and northern extent shall stand as fixed by her charter, "*unless by act of legislature one or more territories shall hereafter be laid off and governments established west of the Alleghany mountains.*"

This policy, so solemnly incorporated into her fundamental law, although the purpose of organizing the territory into new States is contingently expressed, furnishing the first official suggestion of additional States, was voluntarily made without pressure from others, and has been faithfully carried out. In one respect alone has Virginia departed from the policy outlined in her constitution. Instead of organizing all of her territory "west of the Alleghany mountains" into States by the direct agency of her own legislature, she subsequently committed a portion of that duty to the United States by ceding the Northwest Territory, under express stipulations that it should be organized into States. She reserved the portion south of the Ohio, and, by direct action of her own legislature, erected it into the State of Kentucky in 1792, ten years before the United States

was able to begin redeeming its pledge of organizing the Northwest Territory into States by creating the State of Ohio in 1802.

Maryland's resolution of October 30, 1776, contained the excellent suggestion that Congress could make good use of these western lands, and would be the best agent for organizing them into independent States; but her reasoning as to any title of the United States was fallacious, and the coercive measures hinted at, and subsequently urged, were unwarrantable. The resolution was speedily followed up by bringing the matter before Congress. November 9th, 1776, the convention took up the consideration of a letter from the president of Congress, urging them to rescind the action of Maryland "to pay ten dollars in lieu of the hundred acres of bounty land determined by Congress to be given to such non-commissioned officers and soldiers as shall inlist to serve during the war."

In reply to this letter the convention resolved that the president of the convention be directed to write to Congress and inform them that Maryland had no public lands which could be pledged to the soldiers, and knew of no such lands owned by Congress; that Maryland declined to pledge the faith of the State to offer one hundred acres as bounty for enlistment until "the honourable Congress will specify any Land belonging to the United States as common stock to be divided among the soldiery."

Then comes the climax: "That this convention are under the strongest impression that the back Lands claimed by the British Crown, if secured by the blood and treasure of all, ought, in reason, justice and policy, to be considered as a common stock, to be parceled out by Congress into free, convenient and independent governments, as the wisdom of that body shall hereafter direct; but if these (the only lands as this convention apprehend that can) should be provided by Congress at

the expense of the United States to make good the proffered bounties, every idea of their being a common stock must thereby be given up; some of the states may, by fixing their own price on the Land, pay off what of their quota of the public debt they please, and have their extensive territory settled by the soldiery of the other states, whilst this state and a few others must be so weakened and impoverished that they can hold their liberties only at the will of their powerful neighbors." (Am. Arch., Fifth Series, vol. 3, p. 1569.)

This letter was read in Congress November 13, 1776, and elicited no action except an order that the president inform Maryland that the faith of the United States is pledged for the bounty land to the soldiers. But Maryland was resolute to follow up the attack. October 15, 1777, her delegates moved in Congress "that the United States, in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such states as claim to the Mississippi or South Sea and lay out the land beyond the boundary so ascertained, into separate and independent States, from time to time, as the numbers and circumstances of the people may require." (Journals, vol. 2, p. 290.)

This motion fully developed the Maryland idea. Coercion was to be used. This was proposed even before a confederation was established. The unorganized United States should seize the territory of the States, and deprive them of jurisdiction and property. The argument was, that some of the smaller States did not own public land, and felt it to be a hardship to lack this resource while others possessed it; that this land, if secured by "the blood and treasure of all," should be a "common stock"; therefore, the United States should arbitrarily limit the western boundaries of the claimant States without regard to their charter rights, and take possession of all territory which they saw fit to sequester. No wonder that such a proposition received only the vote of Mary-

land, and neither then nor subsequently obtained the sanction of the United States. It was abhorrent to all the principles so recently announced in the Declaration of Independence, the only charter under which the United States could, at that time, claim existence.

When the thirteen colonies became States by the Declaration of Independence, their several territorial limits remained unchanged. "These United Colonies are, and of right ought to be, free and independent States." What colonies? "*These.*" The several colonies as they were on the 4th of July, 1776, with their respective boundaries and charter rights, became States. What defined "*these*" colonies? Their several charters. In the same series of resolutions of October 30, 1776, in which Maryland began the assault on the rights of Virginia, she asserted her own territorial rights, and based them upon "the charter granted by His Majesty Charles the First to Cæcilius Calvert."

The declaration to which the several States plighted "our lives, our fortunes and our sacred honor," bound them to respect and defend each other's chartered rights by "the blood and treasure of all." But for whose benefit were these chartered rights to be respected and defended? Was all the territory of the States to become the property of Congress, and form a common stock? Every sentiment of justice revolts at the thought.

Had the war been unsuccessful, each State would have returned to its colonial condition without change of boundary. Had independence been achieved, and no union established, certainly each State would have retained its charter boundaries. In the case of conflict of title under charter claims, as in the case of Virginia's conflict with Massachusetts and Connecticut, the matter would have been settled between the claimant States, either by war or by treaty.

When independence was achieved and union was established, the charter rights of the claimants were in no

way affected, except that a tribunal was provided for the peaceable adjustment of conflicting claims. This was done by the unanimous consent of the States, and was carefully guarded to prevent the United States from abusing the position of umpire.

But it was argued that these western lands were unoccupied and unsettled, and therefore different from other lands; that the settled lands, although "defended by the blood and treasure of all," were not claimed as a common stock, but inured to their respective States and were covered by their respective charters; these lands, however, were different, and the charters of their States did not protect them. The fallacy of this argument appears on its face. The charter protected the entire jurisdiction of the State. The war was undertaken to secure to each State its rights of person and property. No right accrued to the United States to usurp the jurisdiction and abridge the charter limits of any State.

Later on, New Jersey, Rhode Island and Delaware, though not going to the extreme position of Maryland, came to her aid. The land companies, which had been repudiated by Virginia, joined the alliance, and the argument was revived in a modified form.

Conceding that the *jurisdiction* of the several States was protected by their charters, it was urged that the *property rights in the soil* were not thus protected; that the King of Great Britain owned the property right to all ungranted lands within the charter limits of the several colonies until they became States, and therefore the general government, as the successor to the king, became at once the owner of these unoccupied or "crown lands," holding them within the jurisdiction of the several States. This argument, yielding half the controversy, was more plausible and less repulsive than the former, but was totally unsound.

If it applied to the unoccupied lands in the west, it must apply with equal force to all unoccupied lands in all

portions of the United States, yet it was proposed that this rule should be applied only to "the western boundaries of such States as claim to the Mississippi or the South Seas." In its general application it would have been resisted by every State, and even by Maryland itself. If it applied to the crown lands, it must equally apply to proprietary rights; yet Maryland confiscated the proprietary rights and quit rents, and never proposed that the United States should inherit them. If it applied to lands, it must apply to all other species of property. If it applied to property, it must apply to all other rights and powers of the crown, and a general government, as yet unborn, was heir to all the rights and powers of the British crown. If this doctrine prevailed, what was the use of framing articles of confederation? Why was unanimous consent required? There was already a nebulous sovereignty whom nobody could locate, inheritor of the crown, and king of America.

The sentiments of the people of the United States could be reconciled to no such doctrine, in whole or in part. The strong common sense of their representatives had declared, not that all political connection between the states and Great Britain has *descended to an heir*, but that it "*is totally dissolved.*" They inherited no general government, they created one, and took five years to frame one to suit them. After a discussion as to whether it were better to form a confederation before declaring independence, it was decided to declare independence first; in order that the free and independent States, and not the English colonies, might determine the conditions of permanent union. When this Confederation was established, it was vested with rights and powers conferred and defined by the States, and possessed not a trace of hereditary rights or powers descended from the British crown. The claim that Congress inherited from the British crown the right to limit the boundaries of the several States or to sequester lands, whether

settled or unsettled, covered by their several charters, was, therefore, untenable, and was never sanctioned or seriously contemplated by the United States.

On the contrary, the recognition of the jurisdiction of the several States over all land, settled or unsettled, within their respective charter limits, some of which has never been ceded to, and none of which has ever been claimed by, the United States; the repeated invitations to the States to make cessions of their western lands; the care with which the terms of each cession were scrutinized; the scrupulous observance of the stipulations of these cessions, especially in the cases of Georgia and Connecticut, and of the request to Virginia to amend the terms of its cession so as to permit the Northwest Territory to be organized into more than three States; the incorporation into the articles of confederation of the provision by which the United States can take cognizance of the boundaries or jurisdiction of States only as "the last resort on appeal," when the case shall be brought before Congress by "the legislative or executive authority or lawful agent" of one of the States "in controversy"; the adoption of the guarding clause, "No State shall be deprived of territory for the benefit of the United States"; the language of the ordinances of 1784 and 1787; subsequent decisions of the Supreme Court of the United States on collateral questions growing out of the cession; all abundantly show that the United States has uniformly respected the charter titles of the States to their western territory.

The events connected with the origin of this dispute have been given in some detail, for the reason that, although essential to a just estimate of the acts and motives of the leading parties to the controversy, they have not been adequately set forth by previous writers. The events which follow have been discussed by many historians, who agree on the main facts but differ in their opinions and reflections.

The motion of the Virginia delegates, offered June 7, 1776, embraced a clause "that a plan of confederation be prepared and transmitted to the respective colonies for their consideration." July 11th Congress resolved to create a committee for the purpose, which was appointed the next day, consisting of one member from each State. This committee reported a plan of confederation July 12th, which was debated at intervals until August 20th, when the committee presented an amended report. April, 1777, it was decided to devote two days in each week to the consideration of the subject. It was during the progress of these debates that Maryland offered, October 15, 1777, the motion heretofore quoted. The Articles were adopted by Congress November 15, 1777, not to be valid until ratified by all the States, and a circular was addressed to the States urging ratification. (Journals, vol. 1, pp. 408, 507, 618; vol. 2, p. 598.)

While the ratification was pending, Maryland continued her contest relative to the western lands by offering, June 22, 1778, a series of amendments to the Articles. Among these was an amendment intended to break down the safeguard which guaranteed to the States the protection of their territory from infraction by the United States. The proposed amendment was in the following words: "Article 9; after the words 'shall be deprived of territory for the benefit of the United States,' insert 'the United States, in Congress assembled, shall have the power to appoint commissioners, who shall be fully authorized and empowered to ascertain and restrict the boundaries of such of the confederated States which claim to the river Mississippi or South Sea.'" This amendment was rejected, receiving five votes, Maryland, New Jersey, Rhode Island, Delaware and Pennsylvania. Against it were New Hampshire, Massachusetts, Connecticut, Virginia, South Carolina and Georgia. New York was divided, and North Carolina absent.

July 9, 1778, the delegates of all the States, in accord-

ance with instructions, signed the articles in ratification of their respective States, except the delegates of New Jersey, Delaware and Maryland. Rhode Island, although signing in ratification, proposed an amendment, that the crown lands "shall be deemed, taken and considered as the property of these United States, and be disposed of and appropriated by Congress for the benefit of the whole Confederacy, reserving, however, to the States within whose limits such crown lands may be, the entire and complete jurisdiction thereof." New Jersey presented a memorial setting forth the views of her legislature on a number of matters. On the subject of the western lands New Jersey expressed views similar to those of Rhode Island; that the crown lands belong to the United States, the jurisdiction being reserved to the States within whose charter limits the land may lie. New Jersey acceded to the Confederation November 25, 1778. Delaware acceded February 23, 1779, but filed a protest, affirming the right of Delaware and all the other states to a share in the western lands. Congress permitted this protest to be filed with a condition "that it shall never be considered as admitting any claim by the same set up or intended to be set up." Maryland refused to become a member of the Confederation unless the articles should be amended to contain a provision in conformity to her views in reference to the western country. She seemed to persist in her course, notwithstanding that she had been defeated at every step. December 15, 1778, her legislature adopted "A declaration and a letter of instructions to her delegates in Congress," both of which were devoted to the subject of the western lands and were laid before Congress May 21, 1779. (Journals of Congress, vol. 2, pp. 601-605; vol. 3, pp. 281-2-3, 289. Henning's Statutes of Virginia, vol. 10, appendix.)

These documents reiterate the former claims and arguments of Maryland, extending and elaborating them.

They complain that "the alterations and amendments proposed by our delegates to the Confederation in consequence of the aforesaid instructions by us to them given, were rejected, and no satisfactory reason assigned for the rejection thereof." They declare that unless amendments be made to "the third article of the Confederation, and the proviso to the ninth (according to which no State is to be deprived of territory for the benefit of the United States)," that "we mean not to subject ourselves to such guaranty." * * * "We declare that we will accede to the Confederation, provided an article or articles be added thereto, giving full power to the United States, in Congress assembled, to ascertain and fix the western limits of the States claiming to extend to the Mississippi or South Sea, and expressly reserving or securing to the United States a right in common in and to all lands lying to the westward of the frontiers as aforesaid, not granted to, or surveyed for, or purchased by individuals at the commencement of the present war." Allusion is made to States "grasping for territories to which, in our judgment, they have not the least shadow of exclusive right." A picture is painted of the great advantages Virginia would enjoy by selling these lands, and attracting the population of other States. The probability that Virginia would organize this territory into independent States is made the occasion of severe arraignment, and the charge of establishing a "sub-confederacy," an "imperium in imperio," and of a movement "to lull suspicion to sleep, and to cover the designs of a secret ambition." Her former allies in the effort to establish the western limits, who had subsequently joined the Confederation, are touched up as follows:

"Although the pressure of immediate calamities, the dread of their continuing from the appearance of disunion, and some other peculiar circumstances, may have induced some States to accede to the present Confederation contrary to their own interests and judgments, it

requires no great share of foresight to predict that when these causes cease to operate the States which have thus acceded to the Confederation will consider the first occasion of asserting their just rights and securing their independence."

Her delegates are instructed "not to agree to the Confederation unless an article or articles be added thereto in conformity with our declaration. Should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the Confederation."

While very desirous to complete the Confederation, Congress would not and could not surrender the great principles at stake. The *coercive* measures of Maryland had *failed*. What was to be done? Neither Virginia, the Carolinas, Georgia, Massachusetts nor Connecticut would submit to have their charter rights invaded, nor would Congress consent to invade them. Virginia and Connecticut had instructed their delegates to proceed to form the Confederation without waiting longer on Maryland. These instructions were presented on the same day with the Maryland memorial, and the Virginia delegates presented resolutions in pursuance thereof. More patient councils prevailed, and the Confederation remained in suspense.

At this stage the land companies, which, since the refusal of Virginia to recognize their claims, had been operating unseen in the effort to wrest these lands from Virginia and place them in the hands of Congress, where they hoped to have more weight, threw aside the cloak and appeared as open antagonists. Virginia had, May 18, 1779, passed an act to open a land office and sell a portion of the land claimed by these companies. The land companies now addressed memorials to Congress, September 14, 1779, in which they claimed that the western lands were the property of the United States as successors to Great Britain, and prayed Congress to decide their controversy with Virginia. These memo-

rials were referred to a committee, before which the delegates of Virginia indignantly refused to appear or plead. The movement was followed up by a motion introduced by two delegates of Maryland, which, after amendment, was adopted, and was as follows:

"Whereas, The appropriation of vacant lands by the several States, during the continuance of the war, will, in the opinion of Congress, be attended with great mischiefs; therefore,

"Resolved, That it be earnestly recommended to the State of Virginia to reconsider the late act of assembly for opening their land office; and that it be recommended to the said State, and all other States similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war." (Journal, vol. 3, p. 335.)

The tone of Maryland was beginning to change. Her present motion does not ask Congress to use coercive measures to prevent Virginia from selling her lands. It is now a request or recommendation addressed to the State. Virginia made prompt and generous response by adopting, December 10th, her famous remonstrance. This able document so lucidly presents her case that the reader will be interested to peruse it in full:

"The General Assembly of Virginia, ever attentive to the recommendations of Congress, and desirous to give the great council of the United States every satisfaction in their power, consistent with the rights and constitution of their commonwealth, have enacted a law to prevent present settlements on the northwest side of the Ohio river, and will on all occasions endeavor to manifest their attachment to the common interest of America, and their earnest wish to remove every cause of jealousy, and to promote that mutual confidence and harmony between the different States so essential to their true interest and safety.

"Strongly impressed with these sentiments, the General Assembly of Virginia cannot avoid expressing their surprise and concern upon the information that Congress had received and countenanced petitions from certain persons, styling themselves the Vandalia and Indiana companies, asserting claims to lands in defiance of the civil authority, jurisdiction and laws of this commonwealth, and offering to erect a separate government within the territory thereof. Should Congress assume a jurisdiction, not only unwarranted by but expressly contrary to the fundamental principles of the Confederation, superseding or controlling the internal policy, civil regulations and municipal laws of this or any other State, it would be a violation of public faith, introduce a most dangerous precedent which might hereafter be urged to deprive of territory or subvert the sovereignty and government of any one or more of the United States, and establish in Congress a power which, in process of time, must degenerate into an intolerable despotism.

"It is notorious that the Vandalia and Indiana companies are not the only claimers of large tracts of land under titles repugnant to our laws; that several men of great influence in some of the neighboring States are concerned in partnership with the Earl of Dunmore and other subjects of the British king, who, under purchases from the Indians, claim extensive tracts of country between the Ohio and Mississippi rivers; and that propositions have been made to Congress evidently calculated to secure and guarantee such purchases; so that, under color of creating a common fund, had those propositions been adopted, the public would have been duped by the arts of individuals, and great part of the value of unappropriated lands converted to private purposes.

"Congress has lately described and ascertained the boundaries of these United States as an ultimatum in their terms of peace. The United States hold no territory but in right of some one individual State in the

Union; the territory of each State from time immemorial hath been fixed and determined by their respective charters, there being no other rule or criterion to judge by; should these in any instance (when there is no disputed territory between particular States) be abridged without the consent of the states affected by it, general confusion must ensue; each state would be subjected in its turn to the encroachments of the others, and a field opened to future wars and bloodshed; nor can any arguments be fairly urged to prove that any particular tract of country, within the limits claimed by Congress on behalf of the United States, is not part of the chartered territory of some one of them, but must militate with equal force against the rights of the United States in general, and tend to prove such tract of country (if north of the Ohio river) part of the British province of Canada.

"When Virginia acceded to the Articles of Confederation, her rights of sovereignty and jurisdiction within her own territory was reserved and secured to her, and cannot now be infringed or altered without her consent. She could have no latent views of extending that territory, because it had long before been expressly and clearly defined in the act which formed her new government.

"The General Assembly of Virginia have heretofore offered Congress to furnish lands out of their territory on the northwest side of the Ohio river, without purchase money, to the troops on continental establishments of such of the confederated States as had not unappropriated lands for that purpose, in conjunction with the other States holding unappropriated lands, and in such proportion as should be adjusted and settled by Congress, which offer, when accepted, they will most cheerfully make good to the same extent, with the provision made by law for their own troops, if Congress shall think fit to allow the like quantities of land to the other troops on continental establishment. But, although the General Assembly of Virginia would make

great sacrifices to the common interest of America (as they have already done on the subject of representation), and will be ready to listen to any just and reasonable proposition for removing the ostensible causes of delay to the complete ratification of the Confederation, they find themselves impelled by the duties which they owe to their constituents, to their posterity, to their country, and to the United States in general, to remonstrate and protest; and they do hereby, in the name and on behalf of the Commonwealth of Virginia, expressly protest against any jurisdiction or right of adjudication in Congress, upon the petitions of the Vandalia or Indiana companies, or on any other matter or things subversive of the internal policy, civil government or sovereignty of this or any other of the United American States, or unwarranted by the articles of the Confederation." (Henning's Statutes, vol. 10, pp. 557-559.)

This remonstrance plainly showed that Virginia understood her rights and intended to maintain them. It further distinctly stated that Virginia was willing to make great sacrifices, and invited propositions for removing the ostensible cause of delay in completing the Confederation. In short, it showed plainly that Virginia might be persuaded, but could not be coerced.

Maryland's plan of coercion having failed, Virginia having supplied the hint, New York now set the example of *voluntary cession.* She stepped forward as a mediator in the quarrel between her two Southern sisters. Her course was judicious, patriotic and adroit. Her legislature, by act of March 7, 1780, authorized her delegates in Congress to cede all her claims to the United States. This cession of New York could have no effect except the force of example. She assumed to give away what did not belong to her, yet she gave it with admirable grace and with suggestive purpose. Why could not the situation be relieved by voluntary cessions from other States?

The effect was happy. The way was opened to a

friendly solution. The early suggestion of Maryland had drawn the attention of the whole country to the value of the unsettled western lands as a national domain, to be organized into new states by Congress, and her persistence had kept alive public interest in the matter.

Her rashness in urging coercive measures had repelled confidence in the movement, and had left her no supporters except the land companies. Rhode Island, New Jersey and Delaware, declining to follow her into extreme measures, had acceded to the Confederation, leaving her in an awkward predicament. From this painful condition the judicious action of New York and the generous cession of Virginia came in time to extricate her.

The Virginia statesmen had arrived at the conclusion that the purpose announced in their State constitution of 1776, of organizing their western possessions into independent States, could be better carried out by the United States than by the parent State. While irritated at the unjust assaults upon her title, and the threats of coercion, and while they could not concede that any portion of this land belonged to the smaller States, as a common stock, yet they recognized that these States were sadly in need of some such resource, which it was in the power of Virginia, by a wise and generous policy, to supply them. Such a policy would appease all jealousies, and would assure the great national purpose which Virginia had proposed and still ardently cherished, the completion of the Confederation.

Now that all efforts at coercion had signally failed, Virginia could be magnanimous; yet there was necessity for caution. The Confederation was not complete, and it would manifestly be unwise to cede her territory to an inchoate government. This territory must be guarded from the grasp of the land companies, which had acquired a strong influence in Congress. The claim that the United States possessed title to any territory within

the charter limits of Virginia or any other State, to be enforced at the pleasure of Congress, upon the plea that it had been defended by the common blood and treasure, or upon any other specious plea, was a dangerous doctrine, and any concession of Virginia must be so guarded that it could not be construed into a precedent to sanction such a claim. Impelled by patriotic impulses, and restrained by wise considerations of caution, Virginia decided to cede to the United States all the territory within her charter limits north of the Ohio river, and to guard this cession by conditions to protect those principles which she had so firmly maintained.

Congress was also now ready to act upon the hint supplied by New York. Resolutions were adopted, September 6, 1780, urging all the States who owned western lands to make "a liberal surrender of a portion of their territorial claims so necessary to the happy establishment of the Federal union," and earnestly requesting Maryland to accede to the Confederation. This was followed in Congress, October 10, 1780, by additional resolutions, providing that the territory ceded should be held for the common benefit of the Union, and formed into republican States.

The response of Virginia was prompt. In fact, Virginia had informally invited this action of Congress, as may be seen from the letter of Colonel Mason, author of the "Remonstrance," written from the Virginia Assembly, July 27, 1780, to Mr. Joseph Jones, in Congress. (Life of Patrick Henry, by W. W. Henry, vol. 2, p. 85.) In this letter, Colonel Mason says that the members of the legislature "wish for such reasonable propositions from Congress as they can unite in supporting." Her general assembly entered promptly upon the discussion of the proposed cession of the western lands. After debating its provisions through the Christmas holidays, the legislative forms of the act were completed January 2, 1781, by which Virginia tendered to the United States the

most magnificent Christmas gift which history records, resigned the sovereignty of the largest tract of territory in the annals of the world ever voluntarily surrendered without price or bloodshed by a powerful state able to defend it.

First of the States holding charter title to tender the jurisdiction and soil of her western lands, she invited the others to follow her example, and thus made possible the local governments and magical development of the West, averting the jealousy and possibly the anarchy and bloodshed that might have followed the assertion of her claims. As we see her thus voluntarily stripping herself of her territory until she shrinks up between the Ohio river and the Atlantic, shall we view her with that kindly pity which we feel for the man whose good-natured weakness has permitted greatness and fortune to fall from his grasp? Does not her course rather reveal a broad wisdom and a philanthropy which looked to the good of mankind, and not to the grasping of power or the extension of state lines? Whether we consider her magnanimous or weak, we cannot refuse the praise which poets and historians may bestow with kindling warmth, but which the world echoes with faint applause:

> All thou hast been reflects less fame on thee,
> Far less, than all thou hast forborne to be!

But all magnanimity was lost on the land companies. The conditions of this cession, if accepted by Congress, would forever preclude the recognition of their claims. They, therefore, set up a clamor to prevent the acceptance of the cession. The effect on Maryland was different. Just one month later, February 2, 1781, Maryland authorized her delegates to accede to the Confederation, and accompanied her act with a mild declaration that she did not thereby relinquish any rights that she might have in the western lands. Her delegates ratified the articles May 1st.

As in 1776, so again in 1781, Maryland acted with

patriotism, and wisely receded from her former extreme declarations. She had notified Congress that she would not join the Confederation unless an article or articles should be added thereto limiting the boundaries of the States claiming to extend to the Mississippi river. Yet no such articles were ever added. In addition to this, the cessions of Virginia, New York and Connecticut had not been accepted, and no other charter claimant had even tendered a cession. Maryland had taken a sober second thought. She had discovered the impossibility of coercive measures and never afterward urged them, leaving the other claimant States to make cessions at leisure, or not at all, except of their own volition. The fact seems to be that she had nursed an unfounded suspicion of the "secret ambition" of Virginia, and being now convinced of Virginia's patriotic intentions, she abandoned the contest, and her relations with Virginia became pacific and soon afterward cordial.

The land companies, however, continued the fight against the acceptance of Virginia's cession, which contained conditions that would forever bar their claims. They obtained influence enough to procure the appointment of a committee favorable to their interests. Either through the exertions of the agent of the Indiana Land company, who was besieging Congress, or by some other means, a report was secured from this committee which was suspiciously favorable to the Indiana company.

This report, made November 3, 1781, recommended that the title of the Indiana Land company be confirmed; that the cession of New York be accepted, as investing Congress with the jurisdiction of the entire western country; and that the cession of Virginia be rejected, for six reasons assigned, among which are the following:

"First.—All the lands ceded or pretended to be ceded to the United States, by the State of Virginia, are within the claims of the States of Massachusetts, Connecticut

and New York, being part of the lands belonging to the said Six Nations and their tributaries."

"Sixth.—The conditions annexed to the said cession are incompatible with the honor, interests and peace of the United States."

The report offers a series of resolutions, among other things, that Congress recommend to Virginia and other states to cede "all claims and pretensions of claims to said western territory without any conditions or restrictions whatever." This report was the nearest approach to recognition which the claims of the land companies ever received in Congress, but it was a victory of short duration, and destined to an ignominious end, as shown by the following extract from the Fourth volume of Journals of Congress:

April 18, 1782.—* * * "The order of the day for taking into consideration the report of the committee on the cessions of New York, Virginia and Connecticut, and the petitions of the Indiana, Vandalia, Illinois and Wabash companies, being called for by the delegates for Virginia, and the first paragraph being read, a motion was made by Mr. Lee, seconded by Mr. Bland [both Virginia delegates], 'That previous to any determination in Congress, relative to the cessions of the western lands, the name of each member present be called over by the secretary; that on such call, each member do declare upon his honor, whether he is or is not personally interested, directly or indirectly, in the claims of any company or companies, which have petitioned against the territorial rights of any one of the States, by whom such cessions have been made, and that such declaration be entered upon the journals.'"

The intelligent reader will not be surprised to find that this resolution never came to a vote. On various pretexts, the consideration of this motion and the report of the committee were postponed from day to day until May 6, when it was indefinitely postponed. From this

date this committee disappears from the records of Congress. The portion of the report relating to the cession of Virginia was subsequently referred to another committee.

Meanwhile a committee, called the Grand Committee, which consisted of one member from each State, appointed to consider the most effectual means of supporting the credit of the United States, made several ineffectual attempts to secure action on the cessions of Connecticut, New York and Virginia.

A step forward was taken when Congress, October 29, 1782, on the motion of Maryland, accepted the cession of New York. June 4, 1783, Congress took up the report of a committee to which had been referred the motion of Mr. Bland, to accept the cession of Virginia. This committee recommended that Congress should take up the old report of November 3, 1781, which had slumbered on the journals since the effective narcotic administered by Mr. Lee. Whereupon Congress ordered: "That so much thereof as relates to the cession made by the Commonwealth of Virginia, on the 2d day of January, 1781, be referred to a committee of five members."

This committee reported June 20, 1783, recommending changes in the cession of Virginia. Pending the proceedings, the delegates of New Jersey filed a remonstrance from the general assembly of their State, protesting against the acceptance of the Virginia cession, unless the said State will "make a liberal surrender of that territory of which they claim so boundless a proportion." This remonstrance revives the old claim of the rights which had accrued to the other States by reason of the defense of the country by the *common blood and treasure*, an argument which had lost what little plausibility it ever had, for Virginia had some time before rescued the territory from the British by the *blood and treasure* of Virginia alone.

The committee to whom the cession of Virginia had

been referred, reported September 13, 1783, recommending the acceptance of the cession, as soon as the State should agree to repeal the seventh and eighth conditions of the cession. The remaining six conditions were approved, although the first was considered unnecessary, and an amendment was suggested to the second to more fully carry out its provisions. The seventh was considered to be really embraced in the sixth, but its repeal was urged. The real objection was to the eighth condition, which was wrong in principle, and its repeal was important. Of these two conditions whose repeal was desired, the seventh declared all purchases from the Indians void, and the eighth required the United States to guarantee to Virginia all her remaining territory.

The report of this committee was decisive, and was adopted, September 13, by the votes of all the States represented, except New Jersey and Maryland. Virginia readily accepted the amendments proposed. The condition in reference to purchases from the Indians was unnecessary, being embraced in the other conditions which had been approved. The condition requiring that the United States should guarantee all remaining territory was intended to apply to Kentucky, and to operate as a contract with the United States to protect the State against claims that might arise under the cession of New York or the revival of the plea of "*common stock.*" In her anxiety to put a quietus on all such claims, Virginia had gone too far, and had framed this condition at variance with her own theories. Maryland, in the instructions to her delegates to accede to the Confederation, had protested against this condition, and Maryland was right. Its acceptance would have operated as an *ex parte* adjudication or a prejudication of all claims against the State, and would have barred all proceedings under the ninth article of the Confederation, to which any claimant State might be entitled. There were no adverse charter

claimants, and the shadowy claims of New York had been ceded to the United States. There was no probability that any State would appear as a contestant. Still, it would be setting a precedent wrong in theory that any State might secure from Congress a guarantee to its territory, and thus acquire an exemption from the jurisdiction of the tribunal, provided by the ninth article of the Confederation for the trial of contests between the States. At the next meeting of her legislature, Virginia promptly instructed her delegates to execute to the United States a deed of cession conforming to the amendments proposed by Congress. This deed was accordingly executed by her delegates and accepted by Congress, March 1, 1784, New Jersey alone voting against acceptance; Maryland, Georgia and New York being absent, South Carolina divided; all the other States voting for it.

The acceptance of the deed met with petty opposition from a peculiar source. Mr. George Morgan, the agent of the Indiana Land company, who had all along been besieging Congress, now appeared in a new role. He filed a petition in the name of the State of New Jersey, as its agent, praying Congress to take jurisdiction under the ninth article of Confederation and try the case as between two states. He recites that a hearing had been "obtained before a very respectable committee of Congress," alluding to the report of November 3, 1781, and presents his credentials as agent of New Jersey. A motion by Mr. Beatty, of New York, to refer this petition to a committee was voted down, as also a motion by Mr. Williamson, of North Carolina, to appoint a committee to prepare an answer to the State of New Jersey.

It was immediately following this action that the deed of Virginia was presented and accepted, as above related. "Simultaneously with this acceptance," Jefferson submitted his famous plan for the subdivision and government of the Northwest Territory, and such other western

territory as might be obtained by cessions expected from the other states. The adoption of this report, April 23, 1784, and the subsequent acts of Congress, show that the main cause of jealousy was removed, and the title of the United States to the Northwest Territory was considered assured by this cession of Virginia and its acceptance. Virginia had fought and won the battle directed against her charter rights, and had made generous use of her victory. We hear no more of "*common stock*," "*blood and treasure of all*," and limiting the "*western boundaries.*"

As yet, however, the cession of Connecticut had not been accepted, while Massachusetts, the two Carolinas and Georgia were sleeping on their claims. All threats of coercion, all acrimonious controversy had ceased. The history of the subsequent cessions involves only the recital of successive patriotic acts, taken by the remaining charter claimants, at leisure. They were subjected to no pressure except the example of New York and Virginia, the force of public opinion, and their own patriotism. They seemed to be in no hurry.

North Carolina vacillated, her legislature passing an act in June, 1784, to cede Tennessee, and repealing the same in November before Congress could accept it.

November 13, 1784, Massachusetts authorized her delegates to cede her claims, and her cession was accepted April 19, 1785, the anniversary of Lexington. This cession was free from reservations or conditions of a selfish character, and bore on its face the evidence of its patriotic purpose.

As early as October 10, 1780, Connecticut had offered to cede the rights of soil in a portion of her western claim, reserving to herself the jurisdiction to the entire claim. The acceptance of such a proposition would have had the effect of confirming her title and establishing her in jurisdiction. In May, 1786, her legislature modified the terms of the original offer, in accordance with which her delegates in Congress executed a deed of cession,

September 13, 1786. The next day Congress, in order to complete the title of the United States to the Northwest Territory, accepted the cession of Connecticut, notwithstanding the reservation by which that State sought to convert the surrender of her abstract claims into a real establishment of possession. Reserving both soil and jurisdiction to the strip of land about 120 miles long lying south of Lake Erie, she surrendered the rest of the territory to the United States. Thus she was the only state that gained possession of land by making cession to the United States. After granting a large portion of this reserve to her citizens, and selling the remainder for the benefit of her school fund, she ceded jurisdiction to the United States, May 30, 1800.

The title to the Northwest Territory being now freed from all claimants, the pressure was directed against the Carolinas and Georgia. It is not surprising that Georgia should cling to her western territory with more tenacity and yield it with more reluctance than any of her sister States. Separated from it by no mountain barriers, and lying in immediate contact, these western possessions seemed more a part of herself, and no adverse interests urged her few western settlers to demand a separation.

Besides all this, a new complication had now arisen, which disposed the Southern claimants of western territory to look with less favor upon a cession of their claims to the United States. This was the spirit manifested by the Northern States to concede to the claims of Spain the temporary control of the Mississippi river as high as Natchez, which was then occupied by Spanish troops. In August, 1786, panting for the revival of trade on any terms, seven Northern States, by their delegates in Congress, approved a plan submitted by Jay to yield to the claims of Spain temporary control of the Mississippi river, and the possession of the disputed territory. The five Southern States opposed it, and it was only defeated by lacking the constitutional majority of nine States.

Georgia and the Carolinas resented this disposition to abandon their territory to Spain, and refused to listen to any proposition to cede territory to the United States.

These events occurring in 1785, and the sectional spirit which they aroused, put an end for the time to any cessions of southwestern territory. In 1787, after the excitement and sectional jealousy had been somewhat allayed, although the affairs with Spain were still unsettled, the pressure upon North Carolina and Georgia was revived by the first cession of any southwestern territory to the United States. This was the cession by South Carolina of a strip of land about 400 miles long and about twelve miles wide, lying along the southern boundary of the present State of Tennessee. It would seem that South Carolina desired to bring to bear on North Carolina and Georgia the same pressure which New York had so successfully exercised on Virginia. There may have been also some feeling of pique against Georgia in the action of the Hotspur State, caused by the suit then pending between the two States. The following are the circumstances of the cession:

In the year 1785 South Carolina instituted suit against Georgia, before Congress, under the ninth article of the Confederation. On June 1, of this year, Georgia was summoned to appear on the second Monday of May, 1786. The following is a portion of the petition of South Carolina:

"To the United States of America in Congress assembled: The petition of the Legislature of South Carolina sheweth that a dispute and difference hath arisen and subsists between the State of Georgia and this state Concerning boundaries. That the case and claim of this state is as follows, viz.:

"Charles II., king of Great Britain, by charter, dated the 24th March, in the fifteenth year of his reign, granted, etc. * * * That on the 30th day of June, in the seventeenth year of his reign, the said king granted to

the said lords proprietors a second charter, enlarging the bounds of Carolina, etc. * * * That Carolina was afterward divided into two provinces called North and South Carolina. That by a charter dated the 9th day of June, 1732, George II., king of Great Britain, granted to certain persons therein named all the lands lying between the rivers Savannah and Altamaha, and lines to be drawn from the heads of those rivers respectively to the South Seas, and styled the said colony of Georgia. * * * That South Carolina claims the lands lying between the North Carolina line and a line to be run due west from the mouth of the Tugaloo river to the Mississippi, because, as the State contends, the river Savannah loses that name at the confluence of Tugaloo and Keowee rivers, consequently that spot is the head of Savannah river; the State of Georgia, on the other hand, contends that the source of Keowee is to be considered at the head of Savannah river."

The petition recites other disputed points of boundary, and concludes with a prayer to Congress to take jurisdiction and try the case under the Articles of Confederation. The case was adjourned from time to time, until September 4, 1786, when both States appeared by their agents. Proceedings were then instituted and a court appointed to try the case, which was to sit in New York, June 4, 1787. No judgment was ever rendered by this court in consequence of the compromise of the suit between the parties.

Both states appointed commissioners, who met at Beaufort, S. C., clothed with full powers to make a final settlement. And now comes a singular part of the history, and the origin of the twelve-mile strip. These commissioners—Charles Cotesworth Pinckney, Andrew Pickens and Pierce Butler, on the part of South Carolina; and John Habersham, Lacklan McIntosh, a majority of the commissioners, on the part of Georgia—April 28, 1787, signed an agreement and convention establishing

the line as it now exists between the two States, running along the Savannah river and its most northern branch, the Tugaloo, and the most northern branch of the Tugaloo, the Chatuga, to the point where it intersects the North Carolina line. This would have granted all the twelve-mile strip to Georgia. It so happened, however, that the legislature of South Carolina was at the same time in session.

On March 8th of the same year, just one month and twenty days before the completion and signature of the convention at Beaufort, the South Carolina legislature passed a bill conveying to the United States the territory bounded by the Mississippi river, the North Carolina line, and a line drawn along the crest of the mountains which divide the waters of the East from the waters of the West, from the point where these mountains intersect the North Carolina line to the headwaters of the most southern branch of Tugaloo river, and thence west to the Mississippi river, thus mapping out the twelve-mile strip. The delegates of South Carolina were directed to make a deed conveying the same.

These two apparently inconsistent acts of South Carolina both needed the confirmation of Congress. They were accordingly presented to Congress on the same day, accompanied by the deed of cession, August 9, 1787. The action of Congress bears marks of worldly wisdom. The cession to the United States was accepted on the same day. The motion to confirm the convention of Beaufort was referred to a committee which never reported. This report was, perhaps, prevented by the absorbing interest in the Constitutional Convention then in session, and which completed its labors in the following month by adopting the present Constitution, and the Congress of the Confederation soon after passed out of existence, and with it the ninth article, under which the suit of South Carolina was instituted. Thus, the twelve-mile strip became the territory of the United States, and

intervened as a wedge between Georgia and North Carolina, affording for several years a suggestive invitation to cede their western lands.

The example was followed by North Carolina in 1790, when, after her patience was exhausted by the attempt to establish the State of Franklin, she ceded her froward daughter, Tennessee, to the United States; thus making the first cession under the Constitution.

Kentucky anticipated the expected second cession of Virginia, and became a State in 1792, without undergoing the territorial apprenticeship.

This left the full pressure of the demand for western cessions to fall on Georgia. This sturdy state resisted until 1802, when her cession, by no means a free gift, proved to be a shrewd bargain. She then ceded the Territory of Mississippi, nearly all of which was covered by Indian titles, and received in return that portion of the South Carolina cession immediately north of her boundary, $1,250,000 in money from the proceeds of the sale of public lands, and what ultimately proved very costly to the United States, a guarantee for the extinction of all Indian claims in her present limits. The remaining portion of the twelve-mile strip, all of which, after the admission of Tennessee, was styled in legislation the territory of the United States south of the State of Tennessee, was in 1804 added by Congress to Mississippi Territory, and now constitutes the northern portion of the States of Alabama and Mississippi.

Thus, the whole territory west of the Alleghany mountains, embracing the portion north of the Ohio, which had been claimed by Great Britain, and the southern portion which Spain and France had attempted to erect into an Indian reservation, was now ceded to the United States by all claimants except the land companies. These companies continued the struggle until finally repulsed from the Supreme court of the United States.

The following conclusions seem to be irresistible:

First.—The extension of the original United States beyond the Alleghany mountains, in opposition to the claims of Great Britain and the active efforts of France and Spain, was due alone to the titles of the charter claimant States, supported by an actual adverse possession on the part of Virginia and North Carolina.

Second.—Virginia, by expelling the British from the country north of the Ohio, by her expedition under George Rogers Clarke, and by taking military possession of the country, not only maintained her own charter claims, but also supplied the United States with the argument of *uti possidetis*, which successfully met the claims of Great Britain under the Quebec Act.

Third.—The whole country owes a debt of gratitude to all the charter claimants for ceding the only valid titles to this immense territory, and for their firmness and wisdom in resisting and defeating the effort to engraft on the fundamental law the dangerous principle that Congress should have power to abridge the limits of the States, invade their jurisdiction and sequester their territory.

Fourth.—The territory ceded by all charter claimants amounted in area to 404,955.91 square miles, all of which was embraced in the cessions of the four Southern States, Virginia, the two Carolinas and Georgia. The claims of Massachusetts and Connecticut, extending in belts across the claim of Virginia, amounted to 94,315.91 square miles. Thus, the undisputed area of the cessions by the Southern States amounted to 310,640 square miles. If the area of Kentucky be added, which was erected into a State in 1792, before the completion of the western cessions, the undisputed contribution of the South was 361,040 square miles. The total contribution of the South, disputed and undisputed, including Kentucky, was 445,355.91 square miles.

The cessions of all other charter claimants amounted

to 94,315.91 square miles, all of which was disputed. If the area of Vermont and Maine be added, which were independently erected into States, the total contribution of all other charter claimants, disputed and undisputed, would amount to 136,807.91 square miles.

Fifth.—The four Southern States, Virginia, the two Carolinas and Georgia, were the only States which ceded a foot of land in actual possession and covered by actual jurisdiction. The other States, acting with patriotic motives, conveyed only unadjudicated claims—which was all they had to convey. The Southern States, being in possession, were able to confer possession on the United States. How different might have been the fate of America, had the four great Southern States adhered to their western territory with the tenacity usually shown by powerful states able to defend their possessions. In the language of the first great cession, "preferring the good of their country to every other object of smaller importance," they laid the foundation of national greatness by voluntary sectional sacrifice, and furnished history its most instructive lesson in the building of nations.

Reference is given to Madison Papers, Vol. 1; Benton's Thirty Years, Vol. 2; Narrative and Critical History of America, Vol. 7; Lecky's History of England, Vol. 4; American Archives, Fourth Series; on the cessions of western lands consult Journals of Congress, Vols. 1, 2, 3 and 4; for the acts of cession, Henning's Statutes, Vol. 10; for various deeds of cession, Public Domain; for Spanish intrigues, Roosevelt's Winning of the West; consult also Life of Patrick Henry, by W. W. Henry; Maryland, by Wm. Hand Brown; Haywood's History of Tennessee.

A decision of the Supreme Court, touching on these cessions, was rendered as late as April 3, 1893, in the case of Virginia against Tennessee, relative to boundary. The court recites the titles of Virginia and North Carolina, as based upon their charters, extending to the South seas, and alludes to "the generous public spirit which on all occasions since has characterized her (Virginia's) conduct in the disposition of her claims to territory under different charters from the English government." United States Reports, 148, October Term, 1892, p. 503.

Among the older historians who have treated this subject are Bancroft, Hildreth and Pitkin. It has, also, been ably treated, in some of its aspects, by modern historians. Among the works which have touched upon the subject more or less in full, are the following:

The Old Northwest, by B. A. Hinsdale.

Fisk's Critical Period of American History.

The Narrative and Critical History of America contains, in Vol. 7, a lucid discussion of the several cessions, and a valuable list of references to various books and pamphlets which discuss phases of the subject.

The Public Domain, Donaldson, is an invaluable government publication, in which important information on this subject is collected.

The settlement and development of this territory are related and questions connected with the cessions are discussed by Mr. Theodore Roosevelt, in a work of great ability and lucid style, entitled "Winning of the West."

Maryland's Influence on Land Cessions, by Mr. Herbert B. Adams, in the Johns Hopkins Papers published at Baltimore, Md., is an article eulogistic of Maryland, and attributing to that state the chief influence in establishing the Public Domain.

Mr. W. W. Henry, in his Life of Patrick Henry, devotes Chapter 17 of Vol. 2, of his able and interesting work, to the Cession of the Northwest Territory. He clearly demonstrates Virginia's title to all the territory which she claimed.

CHAPTER III.

HOSTILITIES WITH FRANCE AND THE ACQUISITION OF LOUISIANA.

THE acquisition of Louisiana was "an opportunity snatched from fate." This terse expression accurately defines the diplomacy by which Louisiana was acquired. The United States did not command the situation, but made skillful use of the opportunity. All the military power which the United States possessed in 1803, and all the diplomatic skill of her statesmen, would have been inadequate to create the conditions which resulted in the acquisition of Louisiana. Two simultaneous revolutions were necessary: a revolution in Europe and a revolution in America. Just in time, the French Revolution swept "like a meteor across the sky of Europe," so involving other nations that it might be called, with little impropriety, the great European Revolution. Simultaneously came the revolution of political parties in the United States.

Napoleon Bonaparte became First Consul of France, and Thomas Jefferson President of the United States. Thus, the two great minds of the world turned at the same time to Louisiana. Napoleon saw in it the means of obtaining a navy, of strengthening the French party in America, and of restraining the power of Great Britain. When the treaty was completed he said: "I have just given to England a maritime rival that will sooner or later humble her pride." Jefferson saw in it the first giant stride of his country to the Pacific ocean, and the permanent triumph of the political party of which he was the father. It was, indeed, "an opportunity snatched from fate."

Yet, when the minds of these two great men turned to Louisiana its transfer to the United States was not the first thought that occurred to either of them. Napoleon first looked to it as a colony for France. When Jefferson learned of its acquisition by Napoleon it excited his gravest apprehensions. His first thought was to remove the French to the west bank of the Mississippi river, and to secure that river as the national boundary. He at once began the movement to acquire Florida and the Island of Orleans, and entered on the policy which was tenaciously pursued by himself and his political associates until its consummation in 1821.

In pursuing this sagacious policy he took the initiative in the negotiations which led to the unexpected acquisition of Louisiana. Conditions beyond the control either of Napoleon or Jefferson conspired to render the transfer desirable to Napoleon and available to Jefferson.

Attention has been heretofore called to the fact that all our acquisitions of territory, except those from Mexico, have been dependent upon the condition of affairs in Europe. In fact, these conditions have been so remarkable, that they seem to reveal a law of destiny. So peculiar were the relations of Great Britain, France and Spain, that while they all strongly desired to restrain the growth of the United States, yet each, in turn, made important contributions to its territorial expansion. In the peace negotiations at Paris, on the question of the extension of her boundaries beyond the Alleghanies and the Ohio, the United States found a friend in her enemy, Great Britain, and enemies in her friends, France and Spain. The liberality and magnanimity of Great Britain placed her almost in the light of a donor.

In the crossing of the Mississippi in 1803, the positions of France and Great Britain were reversed. France was now the ceding power, while Great Britain looked on with polite envy, and Spain threatened to interfere. A few years later Spain became, in turn, the ceding power.

Strange, indeed, that these three European powers should find in their relations with each other, reasons which impelled each in succession to contribute to that expansion of the United States which they all desired to prevent.

To trace the causes which led to this remarkable result, it is necessary to take a rapid review of the well known historical events following the close of the French and Indian war, when France retired from the contest for the possession of America. In the treaty of Paris, February 10, 1763, she ceded to Great Britain all of her American possessions east of "a line down the middle of the Mississippi river and through the Iberville lakes to the sea," and confirmed to Spain all her possessions west of that line, which had been previously ceded, November 3, 1762. (Public Domain, p. 91.) Louisiana thus became the property of Spain, and so remained for thirty-eight years.

Of all the nations of Europe, Spain was the most opposed to the institutions and political doctrines of the United States. She would have repelled, as far as possible, all intercourse with the American people, and would have purposely maintained semi-hostile relations. Louisiana would, probably, have been held like her South American possessions, until filled with a population strong enough to rebel and shake off her nerveless grasp. Had it been slowly peopled, as would seem most probable, by emigrants from the United States, its future would have been uncertain. It would, perhaps, have been a refuge for ambitious men like Burr. It might have become a rival kingdom, or a rival republic, facing us across the Mississippi. It might have been broken into fragments, a multitude of petty states, blocking our expansion toward the Pacific. It might have been a means of detaching a portion of the western country from the Union. Such a result was feared about the time of the cession. It is certain that we would never have acquired it in a form so complete and so favorable

for assimilation to our institutions as by the cession of 1803.

In the fall of 1799, the French Revolution had assumed the phase which made Napoleon First Consul of France. He found France engaged in needless hostilities with the United States. He at once determined upon a policy of conciliation, and appointed his brother Joseph Bonaparte at the head of a commission to treat with the newly arrived American commissioners, Murray, Ellsworth and Davie. The result was the treaty of Morfontaine, September 30, 1800, and the establishment of friendly relations. The election of Jefferson speedily followed, and Napoleon had the satisfaction of seeing the administration of American affairs pass into the hands of a political party deemed friendly to France.

Let us recount the events which led to these results. Napoleon had taken Talleyrand into his cabinet, and Talleyrand had a hobby: the recovery of Louisiana, and its organization into a French province. Napoleon permitted Talleyrand to ride his hobby, yet he manifested no especial interest in the matter until the negotiations with America were approaching a crisis, and his brother Joseph had assured him of their friendly aspect, but that they were suspended on the question of indemnity for French spoliations. He then suddenly manifested an interest in Talleyrand's plans for the retrocession of Louisiana, and ordered communications to be immediately opened with the Spanish court. Without awaiting the routine course of negotiations which were progressing favorably under the French minister at Madrid, his impatience led him to send General Berthier to hasten them. Meanwhile, he seemed disposed to restrain his brother Joseph from concluding the American treaty.

This course would indicate that he had secret views, connecting the retrocession of Louisiana with the American treaty. If he revolved in mind in 1800 the purposes which he carried into execution three years later, he did

not then express them. Often frank, and apparently imprudent in the expression of his purposes, no one knew better than Napoleon how to conceal them either by reticence or by dissimulation. The only hint that can be found of ulterior purposes is his caution to Joseph that better terms could be obtained from the United States at a later date, but he assented to the conclusion of a temporary treaty, September 30, 1800. He pressed negotiations with Spain so actively that Berthier signed the treaty for the retrocession of Louisiana the following day, October 1, 1800. In compensation to Spain for this cession France engaged to create the kingdom of Etruria, composed of Tuscany and adjacent territory, and to seat on its throne the son of the duke of Parma, who was son-in-law of the king of Spain.

Napoleon was now master of the situation. Whatever plans he may have formed, it was in his power to execute. How far he agreed with Talleyrand in the policy of making Louisiana valuable to France by the slow process of colonial development is very doubtful. His temperament was too eager to await the tardy returns of invested capital. He needed all his resources for present gambling and quick profits. Europe was his battle ground, and the conquest of England his immediate object. All else was subsidiary. If England could be subdued he was then, indeed, master of the world. He was not indifferent to the glory of restoring to France the American possessions, the loss of which had been for many years a source of national humiliation. Neither was he insensible of the wisdom of Talleyrand's colonial policy, yet such a policy made peace with England a necessity. He knew that France had been compelled to give up her American possessions for lack of a navy, and his penetrating genius could not fail to see that France could not hold colonies across the ocean three thousand miles away, in the face of the navies of Great Britain. He had not forgotten the Egyptian campaign, which he

had warmly urged in its inception, but which he had opposed at the last moment, even to the point of tendering his resignation, but to which he had been forced by Talleyrand's Directory, and which had taught him the power of the British navy. (Allison's History of Europe, vol. 6, pp. 241–2.)

It is probable that before beginning negotiations for the retrocession of Louisiana, Napoleon contemplated an early war with England, and that he entertained the purpose of using Louisiana as a lever on the United States, though perhaps under conditions different from those which circumstances subsequently shaped. He began these negotiations just at the time when all indications pointed to the coming revolution in American politics, and the transfer of power to the Republican party. Affairs in America soon assumed a form to strengthen in his mind the conviction that the United States could be made a valuable ally. Whatever may have been his purpose in 1800, he was the engineer in 1803 who put in motion the train of events which, beginning with the cession of Louisiana, led the United States to the second British war.

Let us now trace the political revolution in the United States. It is needless to recite that the Federalist party came first into possession of the government, and controlled its policy for twelve years. All are familiar with the quarrels in Washington's cabinet, and the rise of the Republican party, now generally designated as the Democratic-Republican party, to distinguish it from the Republican party of the present day. This new party differed from the Federalist party on the great question of State rights; the Federalist party favoring such a construction of the Constitution as would strengthen the power of the general government; the Republican party favoring such a construction as would protect the rights and powers of the States.

There was another question of the day which touched

men's hearts. In the great contest that was going on across the water, England and France were about to engage in a death grapple. The sympathies of this country were aroused, one party favoring England and the other favoring France. We may well understand how deeply it stirred the sympathies of our ancestors. On the one side was France, our friend, the friend of our infancy; France, who stood by us in our conflict for freedom; France, the blood of whose sons was mingled with ours upon the plains of Yorktown; France, our sister republic, who had changed all her institutions in admiration and love for the institutions and people of America. Her cause was espoused by Jefferson, followed by his new party.

On the other side was our mother country. The war was over, and its passions were subsiding. Our independence was established. Jay's treaty, although unpopular at first, had served to reopen the avenues of trade and communication with England, and to excite hostilities with France. The hearts of our ancestors were turning back with softened sentiments to the land of their fathers, and were renewing the associations of kindred and friendship.

It seemed that the Federalist party, the friend of England, was striking the popular chord. Yet, just at this critical moment, the Federalist leaders committed a political blunder. They enacted what are known as the Alien and Sedition laws. The great political leader, Thomas Jefferson, skillfully seized the advantage. The tide was turned. Jefferson was elected President of the United States, and the Republican party, the friend of France, came into power. Looking over the field, the chief of the victorious party saw that the party triumph was but temporary, and he sought for means to render it permanent.

The recent presidential election had assumed a sec-

tional aspect, as may be seen from the following table of the electoral vote of 1800:

STATES.	Thomas Jefferson.	Aaron Burr.	John Adams.	Charles C. Pinckney.	John Jay.
New Hampshire	..	..	6	6	..
Massachusetts	..	..	16	16	..
Rhode Island	..	..	4	3	1
Connecticut	..	..	9	9	..
Vermont	..	..	4	4	..
New York	12	12	..	..	..
New Jersey	..	..	7	7	..
Pennsylvania	8	8	7	7	..
Delaware	..	..	3	3	..
Maryland	5	5	5	5	..
Virginia	21	21	..	..	..
Kentucky	4	4	..	..	..
North Carolina	8	8	4	4	..
Tennessee	3	3	..	..	..
South Carolina	8	8	..	..	..
Georgia	4	4	..	..	..
Total	73	73	65	64	1

The vote of New England was a unit, 39 for the Federalists. The vote of the South was nearly a unit, 48 for the Republicans and 4 for the Federalists. The vote of the Middle States was nearly equally divided, 25 for the Republicans, 22 for the Federalists. Of the Republican majority of 8 votes, the West furnished 7. What was known in that day as "the West," embraced the ceded country between the Alleghanies and the Mississippi river. In this country were two States. Kentucky had been made a State by consent of Virginia in 1792, and Tennessee, ceded by North Carolina in 1790, had been admitted by Congress in 1796, being the first State erected out of Federal territory. The rest of this country was still in territorial apprenticeship, but Ohio was approaching statehood and other territories were growing rapidly. A strong bond of sympathy, social and political, bound the Western people to their parent States, while Virginia, the Carolinas, and Georgia felt motherly pride in their Western daughters.

The question of absorbing interest with the Western people was the navigation of the Mississippi river. They resented the indifference which the United States had shown to their interests, under the control of the Federal party. They were indignant against the people of the Northeast for the jealousy so plainly manifested toward the navigation of the Mississippi. General Wilkinson and others had endeavored to turn this feeling of indignation to the interest of Spain. A party of Separatists was formed, one faction of which desired to establish a government under the protection of Spain and the other to form an independent Western republic. The mass of the people, however, were attached to the Union, but dissatisfied with the government. They could with difficulty be restrained from seizing New Orleans and forcing the United States into war with Spain.

They now looked to the Republican party for relief. Unless Jefferson could find a peaceable solution, he must choose between a Spanish war or the disintegration of his party. In addition to this, another question was growing in importance and would demand attention in the near future. The territory included in the Georgia cession, soon to become the States of Alabama and Mississippi, was attracting population. The rivers of this section ran through Florida directly into the Gulf of Mexico. Outlets would soon be needed to the Gulf. While the present pressure was directed to secure the great outlet of the Mississippi river, yet the other demands were sure to follow.

The one solution of all these troublesome questions could be found in the possession of the Floridas and the Island of Orleans. No way seemed open to secure this much desired end except a war of conquest. The free navigation of the Mississippi had been provided in the treaty of 1795 with Spain, but was subject to frequent infractions on the part of the Spanish authorities. The West was quiet for the present, relying upon the friendly

purposes of the new administration. That Jefferson was worthy of this confidence had been demonstrated by his previous sympathy with Western interests, manifested for many years. (Jefferson's Complete Works, H. A. Washington, vol. 2, p. 107.)

As early as January 30, 1787, he wrote to Madison from Paris: "I will venture to say that the act which abandons the navigation of the Mississippi is an act of separation between the Eastern and Western country." His matured purpose to use peaceful means, and his reasons for avoiding war, if possible, are shown in the following letter to Dr. Hugh Williamson, written as late as April 30, 1803:

(Jefferson's Complete Works—H. A. Washington, vol. 4, p. 483.)

"Although I do not count with confidence on obtaining New Orleans from France for money, yet I am confident in the policy of putting off the day of contention for it till we have lessened the embarrassment of debt accumulated instead of being discharged by our predecessors, till we obtain more of that strength which is growing on us so rapidly, and especially till we have planted a population on the Mississippi itself sufficient to do its own work without marching men fifteen hundred miles from the Atlantic shores to perish by fatigue and unfriendly climates." * * *

These two letters, written so far apart, clearly reveal his sentiments and the fixed purpose which he steadfastly maintained and finally carried to complete success: 1. The navigation of the Mississippi river should never be abandoned. 2. It was to be protected as long as possible by negotiation and appeals to justice. 3. War was to be used as the last resort, and to be avoided, if possible, while the country grew in strength.

This patient policy would have secured its object, the navigation of the Mississippi, but the door to far greater success was unexpectedly opened. Before the end of the first month of his administration as President, whispers

of the sale of Louisiana to France began to circulate in court circles and were communicated to the American government by their foreign ministers. The first intimation came from Mr. King, in a letter, March 29, 1801. The French minister, Talleyrand, refused to throw any light upon these rumors. They gained credence, however. (Annals of Congress, 1802-1803, p. 1017.)

Mr. Rufus King, the minister at London, in a subsequent letter, dated November 20, 1801, put all doubts at rest by forwarding to the secretary of state, James Madison, a copy of the treaty for establishing the prince of Parma in Tuscany, which made allusion to the secret treaty ceding Louisiana to France.

Previous to this letter, Mr. Madison, under date of July 29, 1801, wrote to Mr. Pinckney, minister at Madrid, instructing him to obtain information and to use what influence he could to dissuade Spain from the cession, if not already completed. September 28th, Mr. Madison wrote to Mr. Livingston, minister at Paris, instructing him, if the cession had "irrevocably taken place," to make overtures for the cession of the Floridas, especially of West Florida, to the United States, but to be very careful to avoid irritating France in the methods of negotiation. Mr. Livingston, in obedience to these instructions, began the negotiations, which lingered more than a year, receiving no encouragement from France. (Ibid, 1013, 1014.)*

(* The student may trace the progress of the diplomatic negotiations of the period in Annals of Congress, State Papers, etc. They are related in that invaluable work, Narrative and Critical History of the United States. They are discussed in Schouler's History of the United States. The most detailed and exhaustive treatment of the diplomatic events of this period is found in the History of the United States, by Henry Adams. While not concurring in many opinions expressed by this author, it is a pleasure to refer the reader to this able and brilliant work. The most interesting and reliable work relating to the Western people, their sentiments, their development, and their relations to political questions, is The Winning of the West, by Theodore Roosevelt. This work treats the diplomatic negotiations incidentally and so far as they relate to the main purpose of his work. Mr. Roosevelt shows more clearly than any other author how the deeds of the Western people, at home, rendered possible the success of diplomatists abroad.)

As these tidings began to spread, the Western country was thrown into a state of feverish excitement and anxiety. Grave fears were entertained of the purposes of Napoleon, and a sentiment of hostility to France began to develop. Alexander Hamilton, in a series of newspaper articles, advocated the policy of taking immediate possession of New Orleans and the Floridas. Such a course would lead inevitably to a war with France and Spain, and to alliance with Great Britain, an event congenial to Federalist policy. The Western excitement was intensified by the action of the Spanish intendant, Don Juan Morales, closing the port of New Orleans.

Congress convened December 10, 1802, and the administration was subjected to fierce attacks from the Federalist minority. The leaders of this party joined the Western war cry, aiming to force on Jefferson a choice between adopting the Federalist policy of hostility with France and Spain or a breach with his Western allies. Jefferson, however, was not to be coerced nor deceived. He was firm in his own course, and it was well for the country that he was firm. His policy was not only right, it was successful. The dilemma on which the Federalists sought to impale him was skillfully avoided. This political Scylla and Charybdis had left a middle space wide enough to admit of safe passage, and Jefferson had learned from Ovid, *in medio tutissimus ibis.*

War could be delayed for some hostile act of France, while the attachment of the Western people to the Republican party and their confidence in Jefferson were too firm to be easily shaken. The temper of the West was plainly shown in the debates upon the resolutions introduced into the Senate by Mr. Robert Ross, of Pennsylvania, February 16, 1803. These resolutions authorized the President "to take immediate possession" of New Orleans; to call into service the militia of South Carolina, Georgia, Ohio, Kentucky, Tennessee, and Mississippi Territory; to employ the military and naval forces of the

United States; and use for these purposes the sum of $5,000,000, appropriated from the treasury. The administration opposed these resolutions, on the ground that there was no cause as yet to justify an act of war, and that favorable results were in prospect from negotiation. The Western senators sustained this policy. (Annals of Congress, 1802-1803, pp. 95, 119.)

Mr. Breckinridge, of Kentucky, offered a substitute placing the entire control of the matter in the hands of the President, and empowering him, if necessary, to call out the militia, not only of the vicinity but of all the States. (Ibid, p. 255.)

This substitute was finally adopted by a vote of 15 to 11, all the Western senators present voting in its favor. The resolutions as amended were then adopted unanimously, February 25, 1803. (Annals of Congress, 1802-1803, p. 107.)

It may be interesting to note the sentiment of the Western people, as expressed by their senators. Said Mr. Anderson, of Tennessee: "Gentlemen wished to treat the people like little children. * * * He came from a part of the country which was greatly interested in the subject, and he knew the people were not such fools as the gentlemen would make them. They will not believe that those who know them, and have taken the most effectual measures to procure safety and security for them, are plotting evil for them." (Annals of Congress, 1802-1803, p. 214.)

"He knew this people and that they wished for peace, though, if justice required it, they would be in the ranks of battle while those who asperse them would perhaps be at their toilettes. The resolutions substituted would accord with the wishes of his constituents. He would therefore support them." (Ibid, pp. 140, 142.)

Mr. Cocke, of Tennessee, expressed his "confidence in the administration," "from real respect and knowledge of the Executive for thirty years past." He spoke taunt-

ingly of the newly awakened interest of the leaders of the Federal party in behalf of the West, as follows:

"Why, this is very generous of them, and is more remarkable because it is an uncommon thing with them. But it is very certain we do not stand in need of their pledges nor of their assistance. On former occasions they did not display any of this liberality, and he could not help suspecting their sincerity now."

Mr. Breckinridge, of Kentucky, said: "The time was, indeed, when great dissatisfaction prevailed in that country as to the measures of the general government." * * * "Distrust and dissatisfaction have given place to confidence in and attachment to those in whom the concerns of the nation are confided."

Previous to these proceedings in the Senate, a resolution in the House providing for the appointment of a committee to inquire what legislation is necessary with reference to the navigation of the Mississippi river, had been voted down. January 7th, by a vote of 50 to 25, a resolution was adopted that, "relying with perfect confidence on the vigilance and wisdom of the Executive, they will wait the issue of such measures as that department of the government shall have pursued." (Ibid, pp. 117, 342, 368.)

A resolution offered by Mr. Griswold, of Connecticut, January 4th, calling on the Executive for information with reference to the negotiations concerning Louisiana, was defeated January 11th by a vote of 51 to 35. An act was passed by both houses and approved February 26th, appropriating $2,000,000 to provide for foreign negotiations.

Meanwhile Jefferson had been in negotiation with Spain and France. These negotiations were actively pressed. Spain, France and Great Britain were approached through the American ministers resident at the respective courts, through the foreign ministers at Washington, and through unofficial channels. Mr. Monroe,

in whom the President reposed implicit confidence, was sent as minister plenipotentiary and envoy extraordinary to Paris to act in conjunction with Mr. Livingston. (Annals of Congress, 1802-1803, pp. 1095-1108.)

The instructions to Monroe and Livingston were full and were intended to cover every contingency that might arise. The ministers were to urge a cession of the Island of Orleans and of the Floridas. In case that France should refuse a cession, they were to gain all that was possible to secure the navigation of the Mississippi river. The free navigation of this river was the ultimatum. The desideratum was, to make the Mississippi the national boundary. Considerations were suggested which might influence the French government. If they should have formed any plan of seducing the Western people to separate from the Union, the fallacy should be pointed out. The commercial advantages of a cession should be shown, etc. It was indicated that "to incorporate the inhabitants of the hereby ceded territory with the citizens of the United States on an equal footing, being a provision which cannot now be made," must be left for future action. "The instability of the peace of Europe, the attitude taken by Great Britain, and the languishing state of the French finances," were mentioned, as rendering the present time favorable for negotiation.

These instructions show that Jefferson and Madison, while prudently refraining from any public expression of sanguine expectation, foresaw the coming struggle in Europe, and were founding hopes upon it. Yet there is no evidence that either of them dreamed that the full fruition of their hopes was so near at hand.

Meanwhile, the negotiations with Spain were speedily successful. In April the Spanish minister, Yrugo, announced the disavowal by Spain of the orders of her intendente in closing the port of New Orleans against American commerce. Thus one cause of irritation was

removed, and interest centered in the negotiations with France. Very little confidence was felt in their success, but the West was willing to wait, and Jefferson maintained his policy. Only one of his acts indicates any intention of departing from it. Some restlessness is shown in the instructions to Livingston and Monroe, written April 18, but which did not reach Paris till after the treaty had been signed. These instructions indicate an apprehension of hostility on the part of Napoleon, and direct the two ministers, in the event that such purpose should be shown by France, immediately to open secret negotiations with Great Britain with a view to alliance. They are cautioned to take no such step unless a hostile purpose of France is evident. This step plainly shows that Jefferson intended to resort to war, if it became necessary as a last resort. He would, if necessary, become the ally of Great Britain, though preferring peace and the friendship of France.

Viewed in every aspect, whether as a patriot seeking the good of his country or as a political leader conducting his party in the paths of patriotism and victory, Jefferson undoubtedly pursued a wise and skillful course. The Federalist leaders had not only been thwarted but had been handicapped. If negotiation should succeed, their party was ruined. If war became necessary, they were committed to its support. Their course in Congress had stirred up the whole country, and the war would have the sanction of all sections. But the Federalist leaders had aided Jefferson by their agitation in a way which they had not contemplated.

Napoleon was watching American politics. The imperious will of the "proudest warrior of Europe" would have brooked no threat of war from the ruling powers of the United States. Jefferson could not approach him with any intimation of hostile purpose. But Napoleon was not only an imperious warrior. When not blinded by passion or drunk with ambition, he was also the pro-

foundest statesman of Europe. He was, at the time, in the calmest period of his political life. He had decided to be Emperor of France and to dictate to Europe. He was then revolving in his mind the steps to be taken. He was preparing for war with England. Should he yield this purpose to plans which could be successful only by peace with England? Just at this time threats reached his ear of the prospect of war from America, if he attempted to occupy New Orleans. Fortunately these threats came in a form not to arouse his pride but to warn his judgment.

The party which had, when in power, shown hostility to France and friendship for England were now, as a minority party, urging the United States to steps which must involve war with France. This party had been, for the time, restrained by the party in power, who were recognized as friendly to France. The government of the United States had made no arrogant demands. The resident minister, Mr. Livingston, under instructions from a friendly President, had assiduously urged that the Mississippi river should be made the boundary line between Louisiana and the United States, but had shown cogent and friendly reasons for the request, and had manifested no desire to acquire the entire province. The whole matter had come before Napoleon in the best possible form, and at the best possible time. He needed money for the approaching war with England, and he needed, if not the alliance, at least the neutrality of the United States. His decision was made. With characteristic impetuosity he proceeded to put his plans into execution.*

The world is indebted to M. Barbe Marbois, the agent

* The reader is referred to Marbois' History of Louisiana, and also to the admirable work of Hon. Charles Gayarre, History of Louisiana—Spanish Domination. This latter work contains instructive discussion of the events and negotiations connected with the cession. The English view of Napoleon's motives may be found in Alison's History of England, vol. 8, pp. 280-282.

employed by Napoleon in the subsequent negotiations, for recording the private interviews in which Napoleon revealed his thoughts. Ignoring Talleyrand, who had heretofore been in charge of the negotiations, he summoned two of his ministers and opened his mind. With the exception of a previous conversation which he had with Talleyrand, but of which no record exists, the first expression of his purpose was made to Marbois and Decrès April 10, 1803. He thus abruptly addressed them: "I know the full value of Louisiana, and I have been desirous of repairing the fault of the French negotiator who abandoned it in 1763. A few lines of a treaty have restored it to me, and I have scarcely recovered it when I must expect to lose it. But if it escapes from me, it shall one day cost dearer to those who oblige me to strip myself of it than to those to whom I wish to deliver it. The English have successively taken from France, Canada, Cape Breton, Nova Scotia, New Foundland, and the richest portions of Asia. They are engaged in exciting trouble in St. Domingo. They shall not have the Mississippi, which they court. Louisiana is nothing in comparison with their conquests in all parts of the globe, and yet the jealousy they feel at the restoration of this colony to the sovereignty of France acquaints me with their wish to take possession of it, and it is thus they begin the war. They have twenty ships of war in the Gulf of Mexico; they sail over those seas as sovereigns, whilst our affairs in St. Domingo have been growing worse every day since the death of Leclerc. The conquest of Louisiana would be easy, if they only took the trouble to make a descent there. I have not a moment to lose in putting it out of their reach. I know not whether they are not already there. It is their usual course, and if I had been in their place I would not have waited. I wish, if there is still time, to take away from them any idea that they may have of ever possessing that colony. I think of ceding it to the United States.

I can scarcely say that I cede it to them, for it is not yet in our possession. If, however, I leave the least time to our enemies, I shall only transmit an empty title to those republicans whose friendship I seek. They only ask me for one town in Louisiana; but I already consider the colony as entirely lost, and it appears to me that in the hands of this growing power it will be more useful to the policy, and even to the commerce, of France than if I should attempt to keep it."

The two ministers were requested to express their opinions freely. Marbois strongly urged the cession, and gave his reasons at length. Decrès opposed it, and favored the colonial policy of Talleyrand. The conference lasted till midnight, when the ministers were dismissed. It will be remembered that Marbois had taken an active part, in 1783, in favor of limiting the boundaries of the United States to the Alleghany mountains. He was now to be the instrument for extending them beyond the Mississippi. He was summoned at daybreak on the following morning (April 11th), when Napoleon, after alluding to what had appeared in the London papers in reference to the measures proposed in the United States for seizing New Orleans, thus addressed him:

"Irresolution and deliberation are no longer in season. I renounce Louisiana. It is not only New Orleans that I will cede, it is the whole colony without any reservation. I know the price of what I abandon, and have sufficiently proved the importance that I attach to this province, since my first diplomatic act with Spain had for its object its recovery. I renounce it with the greatest regret. To attempt obstinately to retain it would be folly. I direct you to negotiate this affair with the envoys of the United States. Do not even await the arrival of Mr. Monroe; have an interview this very day with Mr. Livingston. But I require a great deal of money for this war, and I would not like to commence it with new contributions. For a hundred years France

and Spain have been incurring expense for improvements in Louisiana, for which its trade has never indemnified them. Large sums, which will never be returned to the treasury, have been lent to companies and to agriculturalists. The price of all these things is justly due to us. If I should regulate my terms according to the value of these vast regions to the United States, the indemnity would have no limits. I will be moderate, in consideration of the necessity in which I am of making a sale. But keep this to yourself. I want fifty millions, and for less than that sum I will not treat. I would rather make a desperate attempt to keep these fine countries. Tomorrow you shall have full power." * * * "Perhaps it will also be objected to me that the Americans may be found too powerful for Europe in two or three centuries; but my foresight does not embrace such remote fears. Besides, we may hereafter expect rivalries among the members of the Union. The confederations that are called perpetual only last till one of the contracting parties finds it to his interest to break them, and it is to prevent the danger to which the colonial power of England exposes us that I would provide a remedy." * * * "Mr. Monroe is on the point of arriving. * * * Neither this minister nor his colleague is prepared for a decision which goes infinitely beyond anything they are about to ask of us. Begin by making the overture without any subterfuge. You will acquaint me day by day and hour by hour of your progress. * * * Observe the greatest secrecy, and recommend it to the American ministers."

April 11th, the day of the conversation between Napoleon and Marbois, Talleyrand dropped a hint to Mr. Livingston by inquiring whether the United States desired the whole of Louisiana, and what price they were willing to pay for it. Mr. Livingston says (Letter of Livingston to Madison, Annals of Congress, 1802-3, p. 1126): "I told him no; that our wishes extended only to New Orleans and the Floridas; that the policy of

France should dictate to give us the country above the river Arkansas, in order to place a barrier between them and Canada." Mr. Monroe, who had sailed March 8th, reached Paris April 12th, the day after Napoleon's conference with Marbois, and at once entered into conference with Mr. Livingston. On the night of the 12th, Marbois made to Livingston the informal overtures, as directed by Napoleon. (Annals of Congress, 1802-3, pp. 1128–9, 30, 31, 32.)

Mr. Livingston details the interview in a letter to Mr. Madison. He received the overtures with caution, and took occasion to repeat the assurance which he had frequently given: "I told him the United States were anxious to preserve peace with France; that, for that reason, they wished to remove them to the west side of the Mississippi; that we should be perfectly satisfied with New Orleans and the Floridas, and had no disposition to extend across the river."

The negotiation now passed into the regular channels, and was conducted by James Monroe, as "minister plenipotentiary and envoy extraordinary," and Robert R. Livingston, "minister plenipotentiary," on the part of the United States; and "the French citizen, Barbe Marbois, minister of the public treasury," on the part of France. After a few skirmishes in settling the price and minor stipulations, the treaty was signed May 2d, but dated April 30, 1803. The treaty consisted of three separate conventions. The first ceded Louisiana to the United States. The second provided for the payment of 60,000,000 francs to France. The third provided for the assumption by the United States of claims due from France to American citizens. The whole sum was equivalent to $18,738,268.98, exclusive of interest. The area of the whole province was 1,182,752 square miles. (Pub. Domain, p. 12.)

When the treaty was signed the ministers shook hands and pronounced this the noblest act of their lives. Yet

they were not without apprehensions. They had, indeed, done a work which deserved the gratitude and applause of their countrymen, but they had exceeded their authority. How would their action be received at home? The joint letter of Monroe and Livingston, announcing the treaty, reads more like a letter of apology and explanation than a letter of triumph.

Let us see how it was received at home. At this day we can hardly believe that this acquisition met with active and violent opposition; yet such was the case. Jefferson and the Republican leaders received the news with delight. The policy of negotiation had triumphed beyond their most sanguine expectations. War was averted and the West was bound to them by new ties of gratitude. Their party had laid the foundations of future greatness for the United States and of political power for themselves. Yet there was one source of disquietude. In the contests in Washington's cabinet, between Jefferson and Hamilton, both of these great men had gone to extremes which both were afterward compelled to abandon. Jefferson had maintained that the general government had no powers beyond those enumerated in the Constitution. The power to acquire foreign territory was not so enumerated. He foresaw the opposition of the Federalists. He felt secure of the ratification of the treaty, but he was sensitive to the charge of inconsistency in reference to the construction of the Constitution, which he knew would be brought against him. He wished to preserve the strict construction, which he believed to be the safeguard of the rights of the States. Yet Louisiana was "an opportunity snatched from fate." It secured the expansion of the United States and the triumph of the Republican party. The opportunity must not be lost. The treaty must be ratified. Cobwebs must be brushed away.

He wrote to the members of his cabinet and to the Republican leaders, suggesting arguments and proposing

a constitutional amendment to the effect: "Louisiana, as ceded by France, is made a part of the United States." His letter to Senator John Breckinridge, of Kentucky, explains his views (Jefferson's Complete Works, H. A. Washington, vol. 4, pp. 499, 500):

"Objections are raising to the eastward against the vast extent of our boundaries, and propositions are made to exchange Louisiana, or a part of it, for the Floridas. But, as I have said, we shall get the Floridas without, and I would not give one inch of the waters of the Mississippi to any nation." * * * "These Federalists see in this acquisition the formation of a new confederacy, embracing all the waters of the Mississippi, on both sides of it, and a separation of its western waters from us." * * * "The Constitution has made no provision for our holding foreign territory, still less for the incorporation of foreign nations into our Union. The Executive, in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution. The Legislature, in casting behind them metaphysical subtleties and risking themselves like faithful servants, must ratify and pay for it and throw themselves on their country for doing for them, unauthorized, what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian investing the money of his ward in purchasing an important adjacent territory, and saying to him when of age, 'I did this for your good; you may disavow me, and I must get out of the scrape as I can. I thought it my duty to risk myself for you.' But we shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the Constitution, by more strongly marking out its limits. We have nothing later from Europe than the public papers give. I hope yourself and all the Western members will make a sacred point of being at the first day of the meeting of Congress; for, *vestra res regitur.*"

Congress was convened by proclamation October 17, 1803. Jefferson, as we have seen, advised a constitutional amendment. This advice was not accepted by his party associates. They thought that the Constitution already gave sufficient power. Under this theory they proceeded to confirm the treaty, and to introduce the legislation necessary to occupy and organize the territory. Upon this ground the Federalists attacked them, and memorable debates ensued. It would be outside of our purpose to follow these debates through a detailed discussion of the constitutional questions involved. They come within our purview only so far as they furnish testimony of public sentiment and locate the influences which aided or opposed the acquisition of Louisiana and the policy of territorial expansion. A general glance at the attitude of the two parties on the constitutional questions will, however, conduce to a clear comprehension of the sectional aspects of the contest.

The first battle came in the Senate. (Annals of Congress, 1803-1804, p. 308.) The treaty was confirmed in executive session, October 20th, by a vote of 24 to 7. Those voting against confirmation were Messrs. Hillhouse and Tracy, of Connecticut; Pickering, of Massachusetts; Wells and White, of Delaware; Olcott and Plumer, of New Hampshire; all Federalists and from the Northeast.

The public debates occurred on the resolutions and acts for taking possession of the territory, providing for the expenses of the treaty, and establishing a temporary government. (Ibid, p. 488.) The test vote in the House was taken October 25th, on the resolutions to provide for carrying out the treaty. The resolutions were adopted by a vote of 90 yeas to 25 nays. Of these 25 nays 17 were from New England, 3 from New York, 1 from Maryland, and 4 from Virginia. Hot debates ensued in the Senate and in the House, turning largely on the constitutional questions; the Federalists denying and the Republicans affirming the power of the government

to make a treaty annexing foreign territory to the United States. All shades of opinion were expressed, but the two parties have been criticised as substantially reversing their positions as to the powers of the general government. The student of history is never surprised to find two political parties shifting their positions on theoretical questions. General theories, followed out to their logical consequences, invariably lead to the *reductio ad absurdum*. Political theories form no exception. Limitations are as necessary to theories as to all other human productions. What is sometimes mistaken for inconsistency is the necessary adaptation and amendment of opinion to new environments. Yet it does seem strange to view the Federalist party posing as the champion of strict construction and State rights, while the party of Thomas Jefferson is aggressively demanding a liberal construction of the Constitution and the extension of the powers of the general government.

By common consent and general custom the right of being inconsistent and of throwing rocks at the majority is accorded to the minority party, as a sort of political license, for which they are not held responsible until they come again into power. The party in power, however, is subject to indictment for inconsistency, and thus the Republican party has been the party on trial.

Whatever inconsistency there may have been was *apparent* rather than *real*, and was applicable to the *arguments* used rather than to the *course* pursued. The previous contests in behalf of strict construction had been directed to protecting the States, in their domestic relations and individual rights, from encroachments on the part of the general government. In the domestic relations between the general government and the several States, the Republicans regarded a strict construction as the palladium of freedom. It did not follow that the same strict construction should be applied for enfeebling the operations of the general government within its

own sphere. The citizens who constituted the Republican party had aided in establishing the Constitution. They helped to create the general government for general purposes, and they could have no interest in an insane and unpatriotic effort to render it incapable of performing its functions. Expressed in homely phrase, they did not wish to tie the hands of the general government, but they did wish to keep its hands off the States.

There is no inconsistency in maintaining, on the one hand, a rule of strict construction, as applied to conflicts between the general government and the individual States, concerning the powers which the United States can exercise within the several State jurisdictions; and, on the other hand, a rule of liberal construction for exerting the powers of the general government in its unquestioned constitutional sphere, outside of the States. If there be any real inconsistency in these two positions, it has survived in the creeds of the Republican party and its successor, the Democratic party, to the present day.

Among those who have blamed both parties for inconsistency, the able and brilliant author of the "Winning of the West" has arrived at the happiest conclusion. After scoring the Federalists of 1803 for their present part of the "inconsistency," and the Republicans for their past part of the "inconsistency," he says of the "Jeffersonian Republicans": "Nevertheless, at this juncture they were right, which was far more important than being logical or consistent."

The reader who desires to pursue the investigation of the constitutional questions involved is referred to the Annals of Congress, 1803-1804, which contain a record of the debates in the Senate and in the House on the various questions connected with the acquisition of Louisiana.

From these debates it plainly appears that whatever inconsistency may be chargeable to the Federalists was incurred in opposition to the acquisition of foreign territory; and whatever inconsistency may be chargeable to

the Republicans was incurred in defense of the policy of foreign acquisition and territorial expansion. The following extracts from the speeches delivered in the Senate during this famous debate will serve to locate the center of opposition to the policy of territorial expansion, and to present some of the reasons of that opposition. The seven votes against the confirmation of the treaty were all from the Northeast. All the opponents urged constitutional objections. Some of them also expressed strong objections to the treaty on the grounds of public policy and sectional interests. (Annals of Congress, 1803-1804, pp. 33, 34.) Said Mr. Samuel White, of Delaware: "But as to Louisiana, this new, immense, unbounded world, if it should ever be incorporated into this Union, which I have no idea can be done, except by altering the Constitution, I believe it would be the greatest curse that could at present befall us * * * Louisiana must and will become settled, if we hold it, and with the very population that would otherwise occupy part of our present territory. * * * We have already territory enough, and when I contemplate the evils that may arise to these states from this intended incorporation of Louisiana into the Union, I would rather see it given to France, to Spain, or to any other nation of the earth upon the mere condition that no citizen of the United States should ever settle within its limits. * * * Supposing that this extent of territory was a desirable acquisition, $15,000,000 was an enormous sum to give." What would Senator White say if he were now living and could read the tax lists of the states erected from this territory for just one year?

Mr. Uriah Tracy, of Connecticut, said: "And this universal consent can never be obtained to such a pernicious measure as the admission of Louisiana, of a world, and such a world, into our Union. This would be absorbing the Northern States and rendering them as insignificant in the Union as they ought to be if, by their own consent, the measure should be adopted."

These extracts serve to illustrate the sentiment largely prevailing in the Northeast. There was a determined and obstinate hostility to Southern or Western expansion of territory, a feeling that such a policy would lessen the influence of the Northeastern States in the Union, and would retard their growth in population and wealth. They especially feared that the unimpeded navigation of the Mississippi would injure their commercial interests.

This sentiment was no sudden ebullition of party zeal. The jealousy was seen in the efforts of several of the States of this section, in the formation of the Union, to claim an interest in the Western lands as "a common stock," secured by "the blood and treasure of all." Having been ceded and made "a common stock," its settlement and organization into states formed from this territory were now in alliance with the South, and had just aided in the triumph of the new party. Political power seemed to be slipping away from the Northeast. Ohio had just entered statehood and brought reinforcements to the Republicans, and now the Mississippi was crossed and the westward extension was boundless. Thus, in 1803, the feeling at the Northeast had reached a high point of irritation.*

That it was not suddenly allayed is established upon testimony which cannot be doubted. The continued opposition to everything connected with the Louisiana purchase found eloquent expression in the famous words of Josiah Quincy, on the floor of Congress, as late as 1811, when speaking on the bill for the admission of the Territory of Orleans as the State of Louisiana.

But this sentiment was not unanimous in New England. There were a few men of influence who favored the

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* Mr. Fisk, in his admirable work, "The Critical Period," shows the prevalence of secession sentiments in the Southwest and the Northeast. Mr. Roosevelt, in the "Winning of the West," treats the subject in detail and with judicial fairness. Hon. J. L. M. Curry, in "The Southern States of the American Union," traces this sentiment through a series of years and portrays it vividly.

treaty and its policy of expansion. The people of the Northeast generally were opposed to western acquisitions, and were dissatisfied with the present state of political affairs, but were too conservative and too much attached to the United States to be hurried into any rash act. Conspicuous among the first class was John Quincy Adams. Worthy of his illustrious father, who had borne a leading part in 1783 in extending the territorial limits, and himself possessed of vigorous intellect and patriotic instincts, he looked beyond the horizon of sectional jealousy and petty partisan opposition. He had not entered Congress in time to vote on the first test, the confirmation of the treaty, in executive session, October 20th. On the next day he presented his credentials as senator from Massachusetts. He voted silently, October 26th, possibly for technical reasons, against the bill authorizing the President to take possession of the territory. When the bill to create the stock and to provide for the payments under treaty was put upon its passage, the opponents of the measure seized the opportunity as the occasion for the memorable debate to which allusion has been made. While this debate was at its hottest stage, Mr. Adams arose and in an able speech announced his intention to vote for the measure. He agreed with Jefferson in the opinion that a constitutional amendment was needed. After discussing the constitutional questions, he thus expressed his opinion on the policy of the measure: "I trust they will be performed, and I will cheerfully lend my hand to every act necessary for the purpose. For I consider the object as of the highest advantage to us; and the gentleman from Kentucky (Mr. Breckinridge) himself, who has displayed, with so much eloquence, the immense importance to this Union of the possession of the ceded country, cannot carry his ideas further than I do." (Annals of Congress, 1803-1804, pp. 65-68. History of the United States, Henry Adams, vol. 2, pp. 117, 118.)

Mr. Adams also expressed the opinion that a constitutional amendment to provide for making Louisiana a part of the United States would receive unanimous consent. He subsequently offered his services to the administration to support such a measure.

It now became necessary for Congress to provide a form of government for the acquired territory. A motion was made in the Senate, November 28th (Annals of Congress, 1803-1804, p. 106), for the appointment of a committee to prepare a form of government. This motion was adopted, December 5th, and Messrs. Breckinridge, Wright, Jackson, Baldwin and Adams were appointed as the committee. A bill was reported from this committee, December 30th, which, after discussion and amendments, was passed by the Senate, February 18, 1804, by a vote of 20 to 5. When this bill came to the House it gave rise to animated discussion and met with opposition, not only from the Federalists, but from a number of staunch Republicans. After important amendments, it finally passed March 17th by a vote of 66 to 21. These amendments were rejected by the Senate, and an amendment made by which the act was limited to expire at the end of one year. The House refused, at first, to recede from its amendments, but upon the report of the conference committee of the two houses, it was decided to yield, and the bill was passed March 23d and became a law by the President's approval, which was attached March 26, 1804. (Annals of Congress, 1803-1804, pp. 211, 223, 256, 1229, 1293, 1300.)

The opposition was caused by a sentiment that the act gave almost autocratic powers to the President. The test vote in the House, 51 to 45, shows that this opinion was shared by many Republicans. This power, however, was necessary to organize a territory foreign to American institutions, and to prepare the way for a permanent government, and it expired by its own limitation in one year.

Under the act, approved October 31, 1803, the President had already taken possession of the new acquisition.

The American commissioners (see Gayarre's History of Louisiana), Wilkinson and Claiborne, received the province from the French commandant, Laussat, December 20, 1803. Amid public demonstrations and the exchange of international courtesies, the people were introduced to their new rulers. The French prefect declared them absolved from allegiance to France, and the American governor welcomed them to the United States as brothers. The French flag was lowered from the staff, while the American flag ascended. When they met half way, salvos of artillery resounded from the land batteries and were answered from the war vessels in the river. Amid all these demonstrations the people stood mute and testified no emotion. On the same day, W. C. C. Claiborne issued his proclamation as governor of Louisiana, congratulating the people and pledging the faith of the United States that they should be protected for the present enjoyment of all their rights, and should be admitted as soon as possible to all the rights of American citizens. Thus, without war or constitutional amendment, "Louisiana, as ceded by France, is made a part of the United States," and remains a joint monument to the genius of Napoleon Bonaparte and Thomas Jefferson.

Napoleon recast the map of Europe. At his downfall this map was erased, as the teacher erases from the board the map which has been used by the class; but across the Atlantic ocean, far removed from the theater of his exploits, still remains Louisiana, the only handwriting of Napoleon now left on the map of the world. Napoleon shaped in Europe, while Jefferson shaped in America, the conditions which made the acquisition possible. Napoleon had the power to grant or withhold it. He granted it of his own volition. Jefferson had no power to compel it and no grounds to demand it. He could only so direct American policy that Napoleon would find an advantage in conferring this mark of his friendship. When it was offered, unasked, Jefferson

recognized the immense value of the acquisition and snatched the opportunity from fate. He staked upon its acceptance his personal and political influence and risked the fate of his party. The event justified his foresight.

If what politicians call the "verdict of the country" has any weight, surely Jefferson and his party were acquitted on all counts in the indictment for "inconsistency," "timidity," etc., and were awarded public approval and gratitude by the sweeping victory of the next year. (Annals of Congress, 1804-1805, p. 1195.)

The party which acquired Louisiana, beginning as a Southern party, winning the Western States and equally dividing the Middle States, had by its great act won national confidence, gained the political support of all but two of the States and laid the foundation for national greatness. In this great national work, can it be denied that the South was the leading factor?

The following table shows the electoral vote in 1804:

States.	President.		Vice-President.	
	Th. Jefferson.	C.C.Pinckney.	Geo. Clinton.	Rufus King.
New Hampshire	7	..	7	..
Massachusetts	19	..	19	..
Rhode Island	4	..	4	..
Connecticut	..	9	..	9
Vermont	6	..	6	..
New York	19	..	19	..
New Jersey	8	..	8	..
Pennsylvania	20	..	20	..
Delaware	..	3		3
Maryland	9	2	9	2
Virginia	24	..	24	..
North Carolina	14	..	14	..
South Carolina	10	..	10	..
Georgia	6	..	6	..
Tennessee	5	..	5	..
Kentucky	8	..	8	..
Ohio	3	..	3	..
Total	162	14	162	14

CHAPTER IV.

THE SECOND WAR WITH GREAT BRITAIN—SPANISH COMPLICATIONS—SPAIN CEDES FLORIDA, AND HER CLAIMS TO OREGON.

IN the Presidential election of 1800, which brought the Republican party into power, the majority was meager, and the contest was sectional. In the election of 1804, the vote was nearly unanimous, and the victory was national. Jefferson entered on his second term of office, March 4, 1805, as the leader of a party no longer sectional, and now instructed by the people to continue the same firm policy which had won public confidence. His foreign negotiations had been eminently successful, and at home his opponents had been baffled and disconcerted. He had secured the navigation of the Mississippi river, and had extended the western boundaries to the Rocky mountains. This western territory was an acquisition of immense value for future development. Still, another acquisition was needed for more immediate use. The rivers of Mississippi Territory flowed through Florida into the Gulf of Mexico. The advance of population rendered outlets to the gulf every day more necessary. The Indians inhabiting the country were a source of annoyance, continually committing depredations, and furnishing a refuge for runaway slaves. *Florida acquirenda est.*

Two courses of procedure were open: 1st. To seize Florida by conquest. 2d. To acquire it by negotiation. If the first policy should be pursued, its natural result would be war with Spain and France, and its corollary would be offensive and defensive alliance with Great Britain. Such a policy would be an ungrateful return to Napoleon

for the recent signal mark of his favor. It would be a hazardous and costly experiment, an act of robbery, and even if successful, would disturb the repose of the country, now rapidly developing under the happy auspices of peace. Jefferson was unwilling to resort to a policy of war, and he was right. Adhering to the wise maxim of Washington to avoid entangling alliances with foreign nations, he continued the policy which had been so successful in winning Louisiana — peaceful negotiation. That the way was unexpectedly beset with obstacles, was no fault of Jefferson's. No human prescience could foresee the approaching insanity of Europe. Through the remainder of his administration, Jefferson appears in the light of a man in perfect possession of his senses, endeavoring to avoid a free fight with a party of madmen whom he tries to conciliate, waiting for their return to a lucid interval.

To paint a picture of this period of European insanity, robbery and piracy, would require a lengthened treatise. Our space permits only a glance at the relations of the United States with the several European powers at the time when negotiations were in progress.

Spain was irritated and sore at the loss of Louisiana, and had yielded possession under constraint.

Napoleon was lukewarm. He was disappointed at the apparent indifference with which the United States had received what he esteemed a signal mark of his favor, and had evaded participation in European contests. America, however, was beyond his reach. He could use no direct coercion, and could only strive to involve her in hostility with his enemies.

Great Britain had shown marked dissatisfaction with the retrocession of Louisiana to France. The Addington ministry had maintained friendly relations with the United States, and had expressed sentiments favorable to the efforts of the American commissioners to secure the Mississippi as the national boundary. Confident in

the opinion that the failure of negotiations would leave the United States the natural enemy of France, and the natural ally of Great Britain, the British statesmen used expressions of politeness and encouragement to the American negotiators, but prepared to execute secret purposes of their own. A British fleet was sent to the neighborhood, and was ready to seize New Orleans as soon as the impending war with France should justify the attack. Great Britain was astonished and disconcerted by the news that, at the critical moment, Napoleon had ceded the whole territory to a friendly power, whose negotiations had been submitted to her approval, and had received her sanction. Outwitted and overreached, she could not now pursue a hostile policy without perfidy, and without forcing a war with the United States while she was on the eve of a dangerous war with France. The British lion, in the act of couching for the spring, saw the prey escape, and for the moment was too much surprised to growl. But it was not long before the roar was heard across the Atlantic.

Such were the conditions of Europe in the latter part of 1803, when negotiations for the acquisition of Florida were begun. Passing briefly over the diplomatic events previous to 1805,* it may be sufficient to note that they were unsuccessful, and that the United States was repulsed at every court. These negotiations were addressed to asserting the claim that West Florida was included in the cession of Louisiana. This claim was disputed. France and Spain united in resisting it. Although Congress had authorized the occupation of West Florida, President Jefferson refrained from taking hostile possession. The negotiations, however, became acrimonious. Mr. Pinckney, the minister at Madrid, gave

* The reader may trace this period of diplomacy through the Annals of Congress. The subject is treated in detail in the histories of Schouler, McMaster, Henry Adams, and in Narrative and Critical History.

notice that he would demand his passports, and matters assumed a threatening aspect. In November, 1804, Mr. Monroe, then at London, was ordered to Madrid. He passed through Paris to invoke the co-operation of Napoleon, but was coldly received. He somewhat defiantly took his departure for Madrid, which place he reached January 2d, and left May 26, 1805, having accomplished nothing. As yet, there seemed nothing to indicate danger to America.

Before the close of the year, however, the war cloud of Europe burst, and events took a turn which rendered American relations precarious beyond all human foresight. The wonderful achievements of Napoleon caused European politics to vary with the rapidity and novelty of the shifting views of the kaleidoscope, leaving only one thing in Europe permanent—"the naval supremacy of Great Britain." While adhering to the hope of wresting Florida from the necessities of Spain and France, Jefferson found his negotiations complicated with questions growing out of foreign hostility to the rapid development of the American merchant marine. Unexpectedly thrown on the defensive, his efforts must be directed to thwart the hostility of Great Britain against American trade, and his diplomacy must be adapted to meet the fleeting conditions of European politics; looking now to Spain, and again to France, and again to Great Britain.

In the autumn of 1805 two great events disconcerted the policy of America as well as the relations of Europe. October 21st, the naval victory of Trafalgar confirmed Great Britain's supremacy on the ocean. December 2d, Austerlitz made Napoleon dictator of continental Europe, shattered the combinations of Pitt and caused his premature death. Both of these events were adverse to American interests.

Napoleon had applied the purchase money of Louisiana to building a navy. The most magnificent army which

the world had ever seen was assembled at Boulogne, on the French coast of the English Channel. The French admiral, Villeneuve, was ordered to feign an attack on the West Indies and to decoy Lord Nelson across the ocean; then to evade him, and return to throw Napoleon's grand army across the channel for the purpose of moving upon London and destroying the power of Great Britain. Villeneuve moved as directed. Lord Nelson, completely deceived, crossed the ocean, and did not discover his mistake until he reached the West Indies. Villeneuve was in turn deceived. Rebuffed in an indecisive action with an inferior naval force under Sir Robert Calder, and deceived by the maneuvers of the English Channel fleet under Lord Collingwood, he steered for the coast of Spain in disobedience of Napoleon's orders. While waiting for reinforcements and repairing his vessels, he lost the favorable moment. Lord Nelson returned and was, indeed, before him. Then came the battle of Trafalgar, and the navy which the purchase money of Louisiana had helped to build was destroyed.

Had the genius of Napoleon been able to reach out over the ocean as it reached out over the land, the history of the world would have been different. Hereafter his thunderbolts could reach only the continent of Europe.

When he learned that Villeneuve had disobeyed his orders, he burst into a vehement passion: "What a navy! What sacrifices for nothing! What an admiral! All hope is gone. That Villeneuve, instead of entering the Channel, has taken refuge in Ferrol! It is all over. Daru, sit down and write." (Alison's History of Europe, vol. 9, p. 63.) Checking his anger, he was calm upon the instant and dictated to his secretary, Daru, the orders by which the entire force of France was thrown with rapidity and precision across the continent of Europe to meet the foes which the combinations of Pitt were accumulating in his rear. Ulm was captured and Austerlitz won.

The ocean having been now abandoned to Great Britain, Napoleon placed little value on the friendship of a nation without a navy, three thousand miles away, and determined on a policy of neutrality. Such a nation could be useful to him only in one way, and to a trifling extent. If America would buy Florida and pay for it in such a way that the money should come through his hands, he was willing to dictate a sale to Spain, and to intercept the purchase money. After abandoning the invasion of England, and just before Austerlitz, September 4, 1805, he signified his willingness to co-operate in the transfer of Florida, and suggested $7,000,000 as the price. The United States had heretofore demanded West Florida, without price, as part of Louisiana. This new proposition for its purchase must be referred to Congress. (Annals of Congress, 1805-1806, pp. 1226, 1227.)

After violent opposition, in which many of the President's former friends participated, an act was passed February 13, 1806, appropriating the sum of $2,000,000 for foreign negotiations, and the President sent instructions to General Armstrong, the minister at Paris, to offer $5,000,000. The instructions reached Paris in May, 1806, eight months after Napoleon's suggestion had been made. Such dilatory proceedings were not fitted to keep pace with Napoleon's rapid combinations. In the meantime, he had formed new plans. He seemed now to desire that affairs between the United States and Spain should remain unsettled. Nothing could be obtained from him except peremptory refusal to decide the matter. Mr. Alison, the English historian, suggests that he was even then planning to place his brother Joseph on the throne of Spain. It is more probable, however, that he had now conceived a plan for exercising over the ocean an indirect control, which he had failed to acquire by naval force. In this purpose he hoped to make use of the United States. The cession of Louisiana had not forced the United States from neutrality. Per-

haps more might be accomplished by holding out Florida as a prize than by yielding it as a purchase.

Napoleon now entered on the campaign in which he crushed the power of Prussia. November 21st he issued the famous Berlin decree, in retaliation for Great Britain's orders blockading the French and German coast. Great Britain replied by the "Orders in Council." These arbitrary proceedings violated every principle of justice, and especially affected the merchant marine of the United States, then the main carriers of the world. They fully justified war against either or both offenders.

The orders of Great Britain bore with especial hardship against American trade, and were arrogantly enforced. In addition, the impressment of seamen from American vessels by British cruisers had long been a source of irritation and humiliation to the United States. An immense merchant marine, without a navy to protect it, and which was rapidly supplanting English commerce, excited both the envy and cupidity of Great Britain, and led to acts which differed from piracy only in being perpetrated under her title as "mistress of the seas."

The remonstrances of the United States were unheeded either by France or Great Britain, and Jefferson was left to choose his remedy. Great Britain seemed to invite war, and Napoleon shaped his course with a view to force the United States into a war with Great Britain. To find redress without war was now the object of Jefferson's diplomacy. The aggressive character of American negotiation now gave way to the defensive. The acquisition of Florida yielded in importance to the protection of American shipping. Napoleon replied to every remonstrance, that as soon as the United States should declare war against the aggressor, England, he was ready to grant every demand. He was ready to withdraw the Berlin decrees, to assure the acquisition of Florida and Canada, to enter into an alliance against Great Britain. The temptation was great, but Jefferson ad-

hered to the policy of avoiding entangling alliances. Meanwhile, the outrages and insults of Great Britain became intolerable. The attack on the Chesapeake, the insolence of the British officers who were practically blockading the coast, the continued depredations on commerce, and the impressment of American seamen, had reached a pitch of arrogance and aggression to which even the pacific temper of Jefferson could no longer submit.

It would appear the most obvious policy to accept the overtures of Napoleon. A powerful ally, ready to bestow the coveted prize, Florida, solicited friendship. Yet Jefferson declined. Something, however, must be done. He decided on the policy which he believed best for his country, though not for himself. He believed that the United States was not prepared for war. The end of his term of office was approaching. He had ardently hoped to be the instrument for acquiring Florida. He must now sacrifice this cherished purpose. He turned from the beckoning hand of Napoleon with a pang, and resigned the acquisition of Florida to his successors in office. The final success of his policy was reserved to crown the presidential administration of the able negotiator who had borne so many disappointments in urging it in foreign courts.

Yet Jefferson laid the foundation of the foreign policy which finally gained Florida, and through the whole course of his administration adhered to it with a firmness which neither the taunts of political enemies nor the alienation of political friends could shake.

No man ever followed the convictions of his judgment with more tenacity than Jefferson. Courteous to others from the native kindness of his heart, he never obtruded a display of obstinacy. His judgment was illuminated by the most profound intellect in America; his firmness was that of conviction, and not of self-will. Pliant in matters of minor import, he was as inflexible as Napoleon

in his fixed purposes. He marked out for his country during the trying period which convulsed Europe, the most judicious course possible to pursue. While the statesmen of Europe were daily making disastrous mistakes, Jefferson might be accorded the post of honor if he made but one. If the embargo was a mistake, which is by no means certain, the mistake consisted in overestimating the willingness of all the sections to submit to temporary sacrifices for the best interests of their country. After the resistance of the mercantile sections had been demonstrated, the embargo was repealed. It may not have been as good a recourse as war, but it was better than submission. It wrought no permanent disaster. What injury it caused has been greatly exaggerated for party purposes. It produced some permanent benefits. The course of those who resisted it was less patriotic than the course of those who enacted it.

This persistence in the policy of neutrality with the European powers, while all Europe was at war, rendered Jefferson and his diplomatists unpopular in European courts. They came to be regarded with jealousy, as seeking to pick up advantages from the quarrels of other nations. This jealousy was inflamed by the efforts to acquire Florida, and by the wonderful growth of the American merchant marine, which thrived on European wars and American neutrality.

Jefferson, Madison and Monroe, the exponents of this policy, endeavored to promote this growth by preserving peace. When it was unjustly assailed by European aggression, they tried to protect it with the shield rather than the sword. This course subjected them to the sneers and sarcasm of foreign courts, courtiers and writers. Such taunts are not surprising from European sources. Europe was intoxicated, and hurled the reproaches which persons in such condition are accustomed to visit upon those who decline to take part in their excesses. It is not surprising that political adversaries at

home should have joined in the cry. The calm American historian, however, should not be misled to censure as "timid," "weak," "vacillating," "feeble," "subservient to Napoleon," etc., the great and patriotic men who guided the country with honor and safety through the most dangerous period of modern times, and brought it from the conflict more than doubled in territory, and ready to enter upon the growing period of its history.

None of these adverse critics have explained their own paradoxes: that the policy which they denounce as weak ultimately attained its object over the greatest maritime power of Europe, and over domestic factions; that the opponents of this policy could offer only obstructions but no substitute, and expressed sentiments tending to a course certainly more "timid" and "feeble," if not unpatriotic; that the embargo, the only part of Jefferson's policy not followed to its complete conclusion, was supplanted, for the time, by a policy of despicable weakness and abject submission; that when resort was finally had to war, those who had denounced the embargo and all the measures of peace became violent opponents of war, and threatened the dissolution of the Union; that the party which sustained Jefferson's policy was endorsed at every presidential election by strong majorities, finally overwhelmed all opposition, and brought about the only period of American history which ever resembled a political millennium—"The Era of Good Feeling."

Such results are never accomplished by weak and vacillating men. They come only to those who, through the vicissitudes of fortune, pursue intelligent designs with fixed purpose. The truth is, the men who controlled American destinies during that eventful period were patriots and statesmen of the highest type. They clung with tenacity to the wisest policy pursued by any nation, and they deserve the gratitude and admiration of posterity.

It is fashionable among a certain class of writers to com-

ment on affairs of state very much in the style of the by-standers at a game of chess. They point out moves which might be made, congratulating themselves on the brilliancy of their own combinations, but forgetting that these combinations are not subjected to the test of an adverse player.

It is, also, a modern fashion to underestimate the intelligence of the American people in the early part of the nineteenth century, and to represent them as inferior to the people of Europe, or to the Americans of the present day. This is a serious mistake. There has never been a period of history when any people evinced greater native sagacity. This is especially true of the Western people. Their strong common sense made them competent judges of their own affairs. They comprehended the wisdom of their leaders, and by judicious support enabled them to carry their measures to successful conclusion. Their contemporaneous verdict is a vindication of the policy pursued, which carries a weight more convincing than theoretical criticism. They were voting for the protection of their best interests, and they were in earnest. The verdict is given in the electoral vote of 1808, according to the following table, one elector not voting:

States.	President.			Vice-President.				
	James Madison.	George Clinton.	C. C. Pinckney.	George Clinton.	James Madison.	James Monroe.	John Langdon.	Rufus King.
New Hampshire	..	..	7	..	..	..	..	7
Massachusetts	..	..	19	..	.	..	..	19
Rhode Island	..	..	4	..	..	..	..	4
Connecticut	..	..	9	..	..	..	..	9
Vermont	6	..	..	..	..	..	6	..
New York	13	6	..	13	3	3	..	..
New Jersey	8	..	..	8	..	..	..	..
Pennsylvania	20	..	..	20	..	..	..	..

States.	President.			Vice-President.				
	James Madison.	George Clinton.	C. C. Pinckney.	George Clinton.	James Madison.	James Monroe.	John Langdon.	Rufus King.
Delaware	..	..	3	..	..	..	..	3
Maryland	9	..	2	9	..	..	..	2
Virginia	24	..	..	24	..	..	..	..
North Carolina	11	..	3	11	..	..	..	3
South Carolina	10	..	..	10	..	..	..	..
Georgia	6	..	..	6	..	..	..	..
Kentucky	7	..	..	7	..	..	..	..
Tennessee	5	..	..	5	..	..	..	..
Ohio	3	..	..	..	..	..	3	..
Total	122	6	47	113	3	3	9	47

The Federalists had gained. Parties were again assuming a sectional aspect. New England was nearly a unit for the Federalists. The South and West were nearly a unit, casting 66 votes for the Republicans and 3 votes for the Federalists. The Middle States were, likewise, nearly a unit, casting 56 votes for the Republicans and 5 votes for the Federalists. Thus, Jefferson left his party stronger than he found it, and in the hands of an able successor, his personal friend and coadjutor.

The first year of Madison's administration was occupied with efforts to protect American commerce from the inroads of Great Britain and France.

Florida dropped out of foreign negotiations, except that it was occasionally revived by Napoleon, who offered it as a bait on several occasions, when pressed to repeal the Berlin decrees. Meanwhile, the relations of France and Spain had changed. Napoleon had invaded Spain and had placed his brother Joseph on the throne. Then followed the revolt of the "Spanish Patriots," and England came to their rescue, claiming to be the friend of liberty. The American colonies of Spain seized this as a favorable opportunity for shaking off the nerveless grasp.

Great Britain was watching the chance to seize the prey.

A new danger now threatened. Great Britain might at any moment procure a cession from her ally, Spain, and occupy Florida without warning.

In the summer of 1810, American immigrants in West Florida rebelled against the Spanish authority and seized Baton Rouge. They then held a convention, organized a government, and declared West Florida a "free and independent State." The President refused to recognize their acts, but they had demonstrated that Spain was incapable of exercising control over the province. It was necessary for the United States to act with vigor. Accordingly, October 27, 1810, President Madison issued his proclamation, taking possession of West Florida in the name of the United States. His reasons were stated in the proclamation. It was claimed as a part of the Louisiana cession. Although the United States had not heretofore taken hostile possession, yet the time had arrived when the authority of Spain had been thrown off by revolt. The President, therefore, occupied it to save it from anarchy, to guard against the mischief which might result to the United States, and to prevent its seizure by any foreign power. The territory was to be held under authority of former acts of Congress, in a manner friendly to Spain and subject to amicable adjustment hereafter. The territory so occupied extended from the Mississippi river to the Perdido, and was attached for the present to Orleans Territory. Governor Claiborne took possession December 7th, as far as Pearl river, permitting the country between the rivers Pearl and Perdido to remain in the possession of the Spanish governor. Congress met December 3, 1810, and the President's message, December 5th, thus refers to his occupation of Florida:

"The Spanish authority was subverted, and a situation produced exposing the country to ulterior events which might essentially affect the rights and welfare of the

Union. In such a conjuncture, I did not delay the interposition required for the occupancy of the territory west of the river Perdido, to which the title of the United States extends, and to which the laws provided for the Territory of Orleans are applicable."

In the Senate, December 10th, so much of the President's message as related to the occupation of West Florida was referred to a committee consisting of Senators Giles, Pope, Crawford, Anderson and Bradley. This committee reported a bill, which passed first reading December 18th, declaring the Territory of Orleans to extend to the Perdido river. The bill was debated on the 27th and 28th and 31st without action. It was advocated by Senators Henry Clay and Pope of Kentucky, and opposed by Senators Horsey of Delaware and Pickering of Massachusetts. It was found to involve questions connected with the admission of Orleans Territory as the State of Louisiana. Its consideration was laid aside for the present. It was taken up again February 8, 1811, and recommitted. (Annals of Congress, 1810-1811, pp. 12, 25, 27, 33, 129.)

Attention was now turned to the admission of Orleans Territory as the State of Louisiana. Mr. John Poydras, the delegate from Orleans Territory, presented a petition from the Territorial legislature praying admission as a State. This petition was referred to a committee of which Mr. Macon was chairman, and a bill for this purpose was presented by the committee December 27th. It was amended and debated in its several stages January 2d, 4th and 10th, and was put on its final passage January 14th, and after a debate of much sectional bitterness, reviving the old constitutional questions of 1803, was finally passed by the House January 15, 1811, by a vote of 77 yeas to 36 nays. (Ibid., 413, 466, 482, 493, 513 to 579.)

It was during the debate on this bill that Josiah Quincy, of Massachusetts, in words of eloquence and fire, gave vent to the sentiments which were widely entertained in the Northeast: "If this bill passes, it is my deliberate

opinion that it is virtually a dissolution of this Union; that it will free the States from their moral obligation, and, as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation, amicably if they can, violently if they must." (Ibid., 525.) The bill passed the Senate with some amendments, and finally became a law by receiving the President's signature February 20, 1811. (Ibid., 1326.)

The eastern boundary of the State of Louisiana was established to follow the line fixed by the French cession to Spain in 1762, the middle of the Mississippi to the Iberville, thence along the Iberville and the middle of Lakes Maurepas and Ponchartrain to the Gulf of Mexico. Thus, West Florida was left as a separate territory, to be held by the United States, subject to future negotiation with Spain.

In the meantime, the President sent a secret message to Congress (Annals of Congress, 1810-1811, p. 369), stating that the portion of Florida east of the River Perdido (East Florida) was in a deplorable condition, and recommending the expediency of authorizing the Executive to take temporary possession, in pursuance of arrangements which may be desired by the Spanish authorities. The message was accompanied by communications from the British charge d'affaires. Vincente Folch, Spanish governor of West Florida, addressed two communications of the same date, December 2, 1810: one to the secretary of state and one to Colonel John McKee. (Ibid., 1259, 1262.) These two letters set forth his helpless and deserted plight. The affected condition of the province forced him to invoke the assistance of the United States, and to tender the temporary possession if he should not receive speedy relief from Spain. The letter of Mr. J. P. Morier, the British charge d'affaires, written December 15, 1810, was a protest against the occupation by the United States on the part of Great Britain, as the friend of Spain, and was somewhat

threatening in tone. Upon receipt of the President's communication the matter was referred to a committee consisting of Senators Clay, of Kentucky; Crawford, of Georgia; Bradley, of Vermont; Smith, of Maryland, and Anderson, of Tennessee (Annals of Congress, 1810-1811, pp. 370–76), and on January 7th, Mr. Clay, from this committee, reported a "declaration and bill" to enable the President to take possession of East Florida, which passed the Senate in secret session January 10, 1811, by a vote of 23 to 7. The nays were Senators Bayard, of Delaware; Champlin, of Rhode Island; Goodrich, of New Hampshire; Horsey, of Delaware; Lloyd, of Massachusetts; Pickering, of Massachusetts, and Reed, of Maryland. (Annals of Congress, 370–376, 575, 1138.) The bill passed the House January 15th and became a law by the signature of the President on the same day. This act authorized the President to take possession of East Florida, with the consent of the Spanish authorities, or in the event of an attempt by any foreign nation except Spain to occupy the province. Near the same time, a resolution was adopted in Congress which foreshadowed the famous "Monroe Doctrine." Limited in expression to Florida, it was soon to become the permanent policy of the United States and to extend to the entire American continent. This resolution declares: "That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they, at the same time, declare that the said territory shall, in their hands, remain subject to a future negotiation."

The President at once appointed Gen. George Matthews and Col. John McKee commissioners for carrying into effect the provisions of Congress. (Annals of Congress, 1811-1812, pp. 1687, 1692.)

These commissioners received instructions January 26, 1811. They were directed to enter into negotiations with Governor Folch for the surrender of the portion of West Florida still in his possession, and with the governor of East Florida for the surrender of that province. In case of the amicable surrender, they were authorized to pledge to Governor Folch, of West Florida, or to Colonel Estrada, the acting governor of East Florida, the faith of the United States for the redelivery of the province to the "lawful sovereign of Spain." They were further authorized to assume on the part of the United States "debts clearly due from the Spanish government to the people of the territory surrendered," to be hereafter adjusted; to continue in office Spanish civil functionaries and Spanish laws, as far as possible; and to advance what money should be necessary for the transportation of Spanish troops. On one point the instructions were positive: "Should there be room to entertain a suspicion of an existing design in any foreign power to occupy the country in question, you are to keep yourselves on the alert, and, on the first undoubted manifestation of the approach of a force for that purpose, you will exercise with promptness and vigor the powers with which you are invested by the President to preoccupy by force the territory, to the entire exclusion of the armament that may be advancing to take possession of it." The commissioners were further informed that instructions had been issued to the treasury department to meet their drafts, and to the military and naval officers to obey their orders under the specified contingencies.

The Spanish authorities refused to surrender the province, and no evidence of any attempt on the part of Great Britain to take possession had been found, when a crisis was presented to General Matthews. (Fairbank's History of Florida, p. 253, *et seq.*) A number of American residents, aided by Georgians living near the border, organized an independent government, adopted

a constitution and elected General John McIntosh governor. Colonel Ashley was appointed commander of the military forces. The patriots, as they were called, aided by American gunboats, demanded from Don Jose Lopez the surrender of Amelia Island and Fernandina. The capitulation was made March 17, 1812, to General John McIntosh, who claimed to be governor of the independent State of Florida. March 19th, General McIntosh, as governor of Florida, surrendered the post to General Matthews. Lieutenant Ridgely, of the United States army, with a force of United States troops, was placed in command. Fernandina had been for some time past a depot for neutral trade and a port for smugglers avoiding the commercial restrictions. The patriot army, numbering about 300 men, now marched to attack St. Augustine. Here they were repulsed by Governor Estrada and retreated to the St. Johns.

When these proceedings became known at Washington, the Spanish and British ministers protested against them. The United States government disavowed them. James Monroe, secretary of state, wrote to General Matthews, April 4, 1812 (Annals of Congress, 1811–1812, p. 1689–90): "But in consideration of the part which you have taken which differs so essentially from that contemplated and authorized by government, and contradicts so entirely the principle on which it has uniformly and sincerely acted, you will be sensible of the necessity of discontinuing the service in which you have been employed. You will, therefore, consider your powers revoked on the receipt of this letter."

Governor Mitchell, of Georgia, was appointed in place of General Matthews, and was instructed to restore Amelia Island direct to the Spanish governor. These instructions were issued April 10th. In consequence of letters received from Governor Mitchell, Secretary Monroe wrote again May 27th. (Ibid., p. 1692.) In this letter Governor Mitchell is authorized to hold the island during

conference with the Spanish authorities, or in case of any attempt of British troops to enter Florida, and is notified that he will be sustained by the United States forces.

In the meantime, a detachment of United States troops composed of invalids was attacked by a party of negroes, supposed to be instigated by the Spanish authorities at St. Augustine. The commander, Lieutenant Williams, and seven of his men were killed. The negroes were repulsed, but this act caused such indignation that Governor Mitchell made preparations to attack St. Augustine. At this point, the new Spanish governor, Kindelin, arrived and made formal demand for the withdrawal of the United States troops. In compliance with this demand, all the military forces of the United States were withdrawn from East Florida, except from Amelia Island.

The Indians and negroes being now freed from all restraints, commenced a series of depredations. The patriot government, aided by volunteers from Georgia, organized for the protection of the whites. The impotent Spanish government was content to occupy a few stations on the coast, claiming jurisdiction over the whole province, but incapable of maintaining it. A desultory warfare was maintained in the interior between the Indians and negroes, led by Payne and Bowlegs, against the whites, under Colonel Newman, of Georgia.

Simultaneously with these complications concerning Florida, the commercial question assumed overshadowing importance. The outrageous aggressions of Great Britain forced Congress to declare war, and Florida became involved in it. June 1, 1812, President Madison sent his war message to Congress. (Annals of Congress, 1811–1812, part 2, pp. 1624–1629.) This able public document, after reciting the long series of injuries and insults which Great Britain had heaped, and was still continuing to inflict, on the United States, sums up the situation in these impressive words: "We behold, in

fine, on the side of Great Britain, a state of war against the United States; and on the side of the United States, a state of peace toward Great Britain. Whether the United States shall continue passive under these progressive usurpations, and their accumulating wrongs, or, opposing force to force in defense of her national rights, shall commit a just cause into the hands of the Almighty Disposer of events, avoiding all connexions which might entangle it in the contest or views of other powers, and preserving a constant readiness to concur in an honorable re-establishment of peace and friendship, is a solemn question which the Constitution wisely confides to the legislative department of the government. In recommending it to their early deliberation, I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free and a powerful nation."

The next day John C. Calhoun, chairman of the House committee to whom the President's message was referred, made a report (Annals of Congress, 1811, 1812, part 2, pp. 1546–1554) stating at large the causes and reasons for war. The report is an able exposition of the whole subject, and its conclusions are unanswerable. After reviewing the course of the United States in the honorable effort to seek redress by peaceful means, the report says: "The time has now arrived when this system of reasoning must cease." It concludes: "Your committee recommend an immediate appeal to arms." (Annals of Congress, 1811–1812, part 2, pp. 1631–1637.) On the same day, Mr. Calhoun offered a bill declaring war with Great Britain, which passed the House June 4, 1812, by a vote of 79 yeas to 49 nays. This bill was transmitted, confidentially, to the Senate June 5th, and was referred to a committee, of which Mr. Joseph Anderson, of Tennessee, was chairman. The committee reported it June 8th, with amendments. After debate and amendment, it finally passed the Senate, June 17th, by a vote of 19

yeas and 13 nays. (Annals of Congress, 1811–1812, part 1, pp. 287–298.) The nays were: Senators Bayard and Horsey, of Delaware; Dana and Goodrich, of Connecticut; Howell and Hunter, of Rhode Island; Gilman, of New Hampshire; Lloyd, of Massachusetts; German, of New York; Lambert, of New Jersey; Reed, of Maryland, and Worthington, of Ohio. Not a Southern or Western senator is recorded as voting against the declaration of war except Senator Worthington, of Ohio, and the record of the vote states the nays as 13, but gives the names of only 12. The bill with amendments now went to the House. The amendments were concurred in June 18th. President Madison, on the following day, June 19th, issued his proclamation declaring that war exists between Great Britain and the United States.

It does not pertain to the purpose of this sketch to relate the events of the war which followed this declaration. Two conclusions cannot be resisted: 1st. It was a just and necessary war. 2d. It was a Southern measure.

The able historian, Mr. Henry Adams, thus analyzes the vote in Congress: "Except Pennsylvania, the entire representation of no Northern State declared itself for the war; except Kentucky, every State south of the Potomac and the Ohio voted for the declaration. Not only was the war to be a party measure, but it was also sectional." This statement is fully sustained by the facts and by the testimony of nearly every historian who has written on the subject. Public sentiment is further illustrated in the presidential election which followed just after the declaration, and after an exciting and bitter canvass, resulting in the following electoral vote of 1812:

States.	President.		Vice-President.	
	James Madison.	DeWitt Clinton.	Elbridge Gerry.	Jared Ingersoll.
New Hampshire	..	8	1	7
Massachusetts	..	22	2	20
Rhode Island	..	4	..	4
Connecticut	..	9	..	9
Vermont	8	..	8	..
New York	..	29	..	29
New Jersey	..	8	..	8
Pennsylvania	25	..	25	..
Delaware	..	4	..	4
Virginia	25	..	25	..
North Carolina	15	.	15	..
South Carolina	11	..	11	..
Georgia	8	..	8	..
Kentucky	12	..	12	..
Tennessee	8	.	8	..
Ohio	7	..	7	..
Louisiana	3	..	3	..
Maryland	6	5	6	5
Total	128	89	131	86

The Federalists had made considerable gains. The South and West were solid, 89 Republican; New England was nearly solid, 43 Federalists to 8 Republicans. The chief Federalist gain was in the Middle States, which stood Federalist 46, Republican 31. The thirty votes of the four new Western States, exchanged from one side to the other, would insure victory. The war was a sectional measure.

Let us now revert to the condition of Florida. It has already been related that West Florida was occupied by the United States under the claim that it was a part of Louisiana, the said claim to be adjusted by friendly negotiation. Just before the war, however, Congress asserted permanent jurisdiction by annexing the portion west of Pearl river to the State of Louisiana. This act was approved April 14, 1812. (Annals of Congress, 1811–1812, part 2, p. 2270.) The plans of the administration for the acquisition of East Florida, though diverted

for the time, were by no means abandoned. As heretofore related, the United States troops having been withdrawn from East Florida, except from Amelia island, on the demand of Governor Kindelin, a state of anarchy ensued in the province. June 19, 1812, the day following the declaration of war, the portion of the President's message relative to the occupation of Florida was referred to a committee. This committee reported a bill (Ibid., p. 1683, 1685) authorizing the President to take possession, which passed the House June 25th. This bill was rejected in the Senate by a vote of 14 yeas to 16 nays. Notwithstanding this legislative action, President Madison deemed it necessary to hold Amelia island under authority of former acts of Congress.

The affairs of East Florida were in this indefinite shape when Congress assembled in November, 1812. Mr. Anderson, of Tennessee, brought up the matter in the Senate December 10, 1812. A committee was appointed, from which committee Mr. Anderson reported a bill (Annals of Congress, 1812–1813, pp. 124, 127), January 19, 1813, to take possession of both the Floridas, East Florida to be held subject to future negotiation with Spain. This bill was amended so as to apply only to that portion of Florida west of the river Perdido, in which form it passed the Senate February 5th by a vote of 22 to 11, and passed the House February 8th. It became a law, by the President's signature, February 12, 1813. (Ibid., pp. 132, 133.) It was thus definitely decided by Congress to occupy West Florida permanently by virtue of the title derived under the cession of Louisiana in 1803, and to refuse its sanction to the occupation of East Florida. This action was a disappointment to the administration. Influenced by fears and rumors that Great Britain, either by securing a cession or under color of alliance with Spain, would seize the province and gain such a foothold that her possession could not be shaken off, the President had hoped that Congress would author-

ize him to occupy East Florida for the double purpose of restoring order and of anticipating any movement of Great Britain. He had taken steps, in advance, to put the measures which Congress was expected to adopt into speedy execution. He had called on Tennessee for 1,500 volunteers, to which the state had responded by furnishing 2,000, under Gen. Andrew Jackson, who had marched to Natchez, when he unexpectedly received orders to disband his troops. It was on this occasion that he surprised the war department by marching his men back to Nashville in defiance of orders, and disbanding them on the spot where they had entered service, becoming personally responsible for their pay. His spirited letter to the war department, remonstrating against the injustice of the order to disband his men at such a distance from their homes, with no means of livelihood or transportation, was the first evidence of his inflexible spirit, and gained the enthusiastic love and confidence of the Tennessee soldiery.

General Wilkinson, commander at New Orleans, took possession of West Florida and planted the United States flag at Mobile, April 5th. The entire province of West Florida was now reduced to possession, and the portion between the Pearl and Perdido rivers was attached to Mississippi Territory. General Pinckney withdrew the United States troops from East Florida, Amelia island being abandoned May 16, 1813.

Soon followed the Creek war, in which the Indians, instigated and aided by Great Britain, attacked the whites, beginning August 30, with the massacre at Fort Mims. General Pinckney advanced against the Indians from Georgia, and Gen. Andrew Jackson was again called into the field with 2,500 Tennessee volunteers. In this remarkable campaign Jackson crushed the Creeks in a series of historic battles, closing with the battle of the Horseshoe, and the capitulation of the Indians, August 9, 1814. The successful issue of this campaign won for

Andrew Jackson the appointment of major-general in the United States army, and marked him as the man to defend New Orleans and the coast of the Gulf of Mexico against the threatened British invasion. He hastened to Mobile, which place he reached August 15, and proceeded to strengthen the defenses at that point. Having been reinforced by 2,800 fresh volunteers from Tennessee under General Coffee, and learning that a British force was occupying Pensacola, he crossed the Spanish line, in disobedience of orders, and entered Pensacola November 7, 1814, driving the British from the town and from Fort Barrancas. It was known that a British land and naval force was collecting in the West Indies for the invasion of the Southern States, but it could only be conjectured at what point the landing would be attempted. Jackson now made his dispositions to meet the attack. Leaving a portion of his force at Mobile, he moved with the remainder to New Orleans. The result is historic and needs no recital here. Mr. Theodore Roosevelt thus refers to the defense of New Orleans, and its defender: "But greater credit still belongs to Andrew Jackson, who, with his cool head and quick eye, his stout heart and strong hand, stands out in history as the ablest general the United States produced, from the outbreak of the Revolution down to the beginning of the great rebellion." (Naval War 1812, p. 493.) The expedition under Pakenham had been designed to drive the United States from all Florida and Louisiana. Before the battle of New Orleans, however, the plans of Great Britain had undergone an important change, and peace had already been made.

In addition to this, events were taking place in the United States, tending to a crisis in the affairs of government. New England was approaching a state of revolt. A sentiment of violent opposition to the administration had grown up in the Northeast. This sentiment seems to have been founded on a variety of motives. It

combined a feeling of dislike of what was called "the Virginia school" of politics, jealousy at the loss of political control, distrust of the policy of territorial expansion, apprehensions for the future in the apparent overthrow of the balance of power between the sections, hatred of France and friendship for England. This detested "Virginia school" had routed the Federalist party in every general election, had acquired Louisiana, was seeking to acquire Florida, was establishing new states and bringing them in as political allies, was voting down every proposition that came from the North, had brought on a war with England, and was suspected of favoring an alliance with France.

The Northeastern States felt aggrieved, and lashed themselves into abnormal fury. It may be said in their defense, that a similar feeling of irritation has been shown by each section of the Union, in turn, when confronted with the prospect of political insignificance, and dependence upon the forbearance of other sections in the affairs of government. Such sentiments are, perhaps, inherent in the Anglo-Saxon-Norman race. Yet, had the people of New England looked further into the future, they would have discovered the remarkable law of territorial expansion; that each acquisition has ultimately proved fatal to the political control of the section which demanded it. The Northeast was now reaping the fruits of the clamor which some of their States had raised at the time of the foundation of the government, and which led to the cessions of Virginia, the Carolinas and Georgia. The new States formed from these cessions were now entering the Union as allies of the Republican party, and seemed uniting with Louisiana to destroy the balance of power, and to rivet the control of a section which New England was beginning to regard as hostile to her interests.

Although the Northeast could not then lift the veil of the future, yet the time was not far off when this very policy

of territorial expansion so actively pressed by the South, and which New England now regarded with so much aversion, would result in establishing the political control of the North, and would drive the Southern section to the state of political helplessness, then so keenly felt by New England. Yet, New England had, even at that time, no just cause for resentment, except so far as loss of political power and the hardships which war and commercial restrictions entailed upon the country, may be considered to justify her course. The nation was governed by other sections, but it was governed justly. The commercial sections were subjected to evils peculiar to their situation, yet no right of the States was trampled on. The people of New England, however, thought otherwise. They considered the war, declared against their will, the culmination of a series of wrongs. They made a very common mistake. They mistook their will for their conscience, and viewed the infraction of their wishes as a violation of their rights. They assailed Jefferson, Madison, Monroe and all "the Virginia school." The Constitution had been violated. The administration was incompetent, entertained indefinite ulterior purposes, was weak in avoiding war, was tyrannical in declaring war, the embargo was wrong, non-intercourse was wrong. The administration ought to have saved the country from foreign aggression by some undefined means, avoiding war, commercial restrictions or submission. The administration ought to have prepared the country for war, in spite of their own obstructions. It ought to have created armies, navies, military stores, and converted a peaceful nation all of a sudden into a warlike power whose whole territory was an armed camp, bristling with battalions and covered with fortifications. All this ought to be done without using coercive measures, or levying taxes, or disturbing the agricultural or commercial pursuits. The minority in Congress issued an address (Annals of Congress, 1811–1812, part

2, pp. 2196, 2221, 1638) to their constituents, signed by thirty-four members, breathing dissatisfaction with the administration. An intended speech of Mr. Samuel Taggart, of Massachusetts, similar in spirit, appeared in the Alexandria Gazette, June 24, 1812, published because the opportunity for open debate had been denied by the secret sessions. The press of the Northeast was full of expressions of dissatisfaction. The most plausible of these complaints related to the lack of preparation for war. It was true that America was not prepared for war. But the war could not be avoided. There was "no retreat but in submission." The lack of preparation was equally unavoidable. It was inherent in American institutions. Political partisans and theoretical writers might declaim about converting a people from the profound repose of peace into a martial nation by act of Congress, but the idea was impracticable. Napoleon had just furnished an example in the attempt to convert France into a maritime nation by imperial mandate. The result was seen at Trafalgar. The wise men who guided the affairs of the United States knew the difficulties in the way. They had endeavored to avoid war, and they knew that the resources of the nation could not be available until the pressure of invasion was upon the country. They believed that the patriotism of all sections would then be aroused. No other course was possible.

As the war progressed, with alternate defeat and victory, the feeling in New England became more intense, and began in the latter part of 1814 to take an organized and dangerous form. The action of the New England governors with reference to the state militia, the message of the governor of Massachusetts to the legislature, the action of that legislature in summoning delegates from the New England States to meet at Hartford, were looked upon as steps to dissolve the Union. The Federalists were rapidly gaining exclusive control of New

England. The delegations elected to Congress, the state officers and the state legislatures, were nearly all Federalist.

The famous Hartford convention met December 15, 1814. Massachusetts, Connecticut and Rhode Island were represented by delegates appointed by the legislatures of those States, and thus clothed with a certain amount of State authority. The legislature of Vermont refused, and the legislature of New Hampshire failed to appoint delegates; yet the convention decided to admit delegates from these two States, who had been appointed by public meetings. The convention sat with closed doors, and its deliberations were conducted under an injunction of secrecy. Its secret proceedings are still a matter of dispute. Its published report set forth causes of grievance, recognized a public sentiment in New England favoring disunion, but intimated hope of conciliation, and alluded to a "severance of the Union" as "to be justified only by absolute necessity." The report recommended the New England States to pass laws nullifying military conscription by the United States, to enlist State troops subject only to State authority, and to demand that the general government should authorize each State to retain from the Federal revenues "a reasonable portion of the taxes collected from the said States." If the administration should refuse these demands, the legislatures of the States were advised to call a second convention. The convention adjourned January 5, 1815.

The legislatures of Massachusetts and Connecticut passed resolutions formally approving the action of the Hartford convention, and appointed commissioners to visit Washington, and to demand compliance with its recommendations. The New England press teemed with abuse of the administration, and applause of the Hartford convention. A crisis was at hand. The people were aroused, and felt that they had a grievance, al-

though no one could point out any real aggression by the government or any point to be gained by resistance. The leaders had really aimed to break down the administration, but they had excited a public sentiment which they could no longer control, and which was rapidly tending to disunion.

Yet disloyal sentiments were, by no means, unanimous in New England. "Grand Old John Adams," now an octogenarian in retirement, clung fondly to the Union which he had helped to create, and over whose destinies he had presided. Nor was he alone. Other patriots were actively working to stem the tide. Perhaps the action of the legislature of Massachusetts, October 13, 1814, on the resolutions preliminary to summoning the Hartford convention, reflected fairly the public sentiment of the state. The number in favor of the resolutions was about 260, and the number opposed about 90. The minority prepared a protest, severely condemning the course of the majority, which the majority considered disrespectful and declined to admit to record. The minority, then, refused to take further part in the proceedings. Even the majority, though hurried into hasty action, were restrained by that centripetal force which never ceases to operate on all who have ever felt the beneficent influence of American institutions—a sincere love for the Union. When, in their game of bluff, they discovered the weakness of their hand, they showed signs of vacillation—honorable vacillation. Some of their leaders proposed plans which appeared like catching at straws; such as the suggestion to solve the difficulty by Madison's voluntary retirement, etc. When finally the announcement of "Peace" afforded honorable escape from their unfortunate dilemma, New England was wild with joy.

In February, 1814, American affairs wore a dark and gloomy aspect, which afflicted the heart of every patriot. Engaged in war with the enemy who, of all the nations

of Europe, possessed the greatest power to injure her territory and resources, the United States was now threatened with domestic revolt. The Emperor Napoleon, her only ally, was overthrown. The nations of Europe were in consultation at Vienna, engaged in the work of readjusting the relations of the world. If they should decide to hurl against America the powerful combination which had crushed Napoleon, what could avert the destruction of republican institutions? Great Britain, relieved from European war, had sent to America a detachment of Wellington's best troops under the command of his favorite general, and the fall of New Orleans was hourly expected. The illustrious chief magistrate, who had borne so many trials with equanimity, and had conducted the national affairs with such signal firmness and ability, awaiting at this dangerous crisis the visit of the New England commissioners on their cruel and unpatriotic mission, was oppressed with a painful anxiety which he could not conceal.

But his hour of triumph was near. The hand of destiny, which had led America on to greatness through so many periods of difficulty and danger, was outstretched to him. The judicious measures of his administration were reaching the culminating point. The crisis was at hand, and the plot now unfolded like the last act of a drama. Great events jostled each other on the stage. The clouds which had gathered around the head of the hero were suddenly dissolved, while the conspirators and marplots stood confounded. The news came in the form of a climax. New Orleans is saved! "Old Hickory" has routed the veterans of the "Iron Duke!" The war is ended! Peace is made at Ghent! The New England commissioners have returned home! Bonfires, rejoicings, public applause, congratulations from friend and foe now take the place of anxiety, reproaches and threats of disunion. The honor of America has been redeemed. Prosperity returns with peace. New England repents.

The whole nation is happy. The administration is vindicated. Spared even the trial of a painful interview with disaffected fellow citizens, James Madison may now enjoy the serene satisfaction so congenial to his nature and so nobly earned.

The opportune close of the war left the United States surrounded with a halo of glory. America had won honor on land and sea. Her naval victories had demonstrated to Europe that Great Britain was not invincible on the ocean. Her persistent adherence to a neutral policy had disarmed European jealousy, and had given the hint to Russia that it might be useful to cultivate the friendship of a growing nation of vast resources, which had already shown the ability and the disposition to curb Great Britain's arbitrary control of the ocean, and from whose pacific character Europe had nothing to fear.

The foundation of friendship with Russia had been laid in 1810 by the successful diplomatic mission so ably conducted by John Quincy Adams. It had been prevented from bearing immediate fruits by the war which was precipitated by Napoleon, and which had united against him all the great powers of Europe. The United States had become involved in war with Great Britain, and occupied the position of being indirectly the ally of Napoleon. Russia was the temporary ally, but the permanent enemy of Great Britain. As soon as Napoleon was overthrown, the emperor of Russia began to cultivate friendly relations with America. In March, 1813, he offered his services to mediate a treaty of peace between Great Britain and the United States. This offer was declined by Great Britain, but led to proposals from Great Britain to treat directly with the United States, and also produced important modifications of President Madison's policy toward Florida. In the great European conference at Vienna, the attitude and influence of Rus-

sia were felt in disposing the British ministry to heal their quarrel with America.

The treaty of peace at Ghent, negotiated by John Quincy Adams, J. A. Bayard, Henry Clay, John Russell and Albert Gallatin, was concluded December 24, 1814. The news of its completion did not reach America until after the battle of New Orleans. It was simply a treaty of peace, and settled none of the issues on which the war was fought. Practically, however, these issues were decided favorably to the United States. The British government, while not formally yielding the points in dispute, discontinued the objectionable practices.

The last wave from the great European conflict, which had been so portentous of disaster, now receded from American shores. On the whole, the United States had been the gainer. Some injuries had resulted. There had been important losses by the capture of vessels at sea. Some hardships had been endured under embargoes and restrictions. All these had been greatly exaggerated for party purposes, and were more than repaid by the vast extension of commerce, and by the growth of manufactures. Louisiana had been gained, and Florida was soon to be acquired. The Republican party, tested by its undeviating adherence to the wise policy of Jefferson and Madison, emerged from the struggle crowned with laurels and acknowledged as the national bulwark. In 1816 the popular verdict awarded to its judicious administration of affairs a mark of public confidence more signal than any which had been bestowed since the second election of Jefferson.

The electoral vote of 1816 was as follows:

States.	President		Vice-President.				
	James Monroe.	Rufus King.	P. P. Tompkins.	J. E. Howard.	James Ross.	John Marshall.	R. G. Harper.
Connecticut	..	9	..	..	5	4	..
Delaware	..	3	..	..	..	..	3
Georgia	8	..	8	..	..	..	..
Indiana	3	..	3	..	..	..	..
Kentucky	12	..	12	..	..	..	..
Louisiana	3	..	3	..	..	..	..
Maryland	8	..	8	..	..	..	..
Massachusetts	..	22	..	22	..	..	..
New Hampshire	8	..	8	..	..	..	..
New Jersey	8	..	8	..	..	..	..
New York	29	..	29	..	..	..	.
North Carolina	15	..	15	..	..	..	..
Ohio	8	..	8	..	..	..	..
Pennsylvania	25	..	25	..	..	..	..
Rhode Island	4	..	4	..	..	..	..
South Carolina	11	..	11	..	..	..	..
Tennessee	8	..	8	..	..	..	..
Vermont	8	..	8	..	..	..	..
Virginia	25	..	25	..	..	..	..
Total	183	34	183	22	5	4	3

The election of Monroe was nearly unanimous, and foreshadowed the coming unanimity, when the policy of Jefferson, continued by his successors, and now freed from foreign compulsion, should exert its benign influence under its normal condition—peace.

The Republican party was, once more, national. Every State but three said, "Well done, good and faithful servant." The battle for the protection of American commerce had been fought and won. The Federal party had played its last card and could no longer obstruct. No serious opposition was to be apprehended in resuming the policy of territorial expansion. President Monroe could now pursue the measures for the acquisition of Florida, the only part of the foreign policy originated by Jefferson which had not yet been carried into successful execution.

Before the expiration of Madison's term the state of anarchy in East Florida, resulting from the utter inability of Spain to maintain an adequate government, had been a source of much uneasiness and annoyance to the people living near the border. Florida had become the refuge of fugitive Indians, lawless white men and runaway slaves, who were formed into clans of robbers and marauders. The most formidable of these organized bands occupied a fort on the Apalachicola river, at the point where Fort Gadsden was afterward constructed. It was at that time called the Negro Fort, and was the rendezvous of Indians and negroes, led by a negro named Garcia. This fort had been constructed during the war by the British officer, Colonel Nichols, who had drawn together a herd of desperadoes, had supplied them with arms and ammunition, and aided them with a British garrison. When the British troops were withdrawn at the close of the war this band was furnished with a large supply of arms and ammunition, and was instigated to continue a predatory warfare against the Americans. British adventurers remained among them, who were suspected of being agents of their government. Among this class were Ambrister and Arbuthnot.

Spain was unable and perhaps unwilling to punish their outrages, and the United States had decided to respect the neutrality of Spanish territory. Taking advantage of this situation, the band at Negro Fort committed depredations with impunity. In August, 1816, Gen. Edmund P. Gaines, commanding United States troops on the Florida frontier, sent a force under Colonel Clinch against this fort. A large body of Creek Indians under command of Major McIntosh, and still another body under Captain Isaacs and Kateha-Haigo, were at the same time bound on the same errand. These three bodies made a junction, and aided by two gunboats, took the fort without difficulty. A red-hot shell from one of the gunboats, taking effect in the magazine, blew up the

fort with terrible slaughter. "A large amount of property was found, estimated at $200,000, and 150 barrels of powder were saved from one uninjured magazine." (Fairbank's History of Florida, p. 263.) It is claimed that this attack was secretly favored by the Spanish authorities, who had been much annoyed by the operations of these bandits.

The Seminole Indians continued a series of hostilities along the borders, retreating for protection into Spanish territory, until finally President Monroe decided to submit to this state of affairs no longer, and ordered General Gaines to attack the hostile Indians, pursuing them when necessary into Florida. These orders were issued in December, 1817, and General Jackson was directed to proceed to the front and take command in person. The famous letter of General Jackson to President Monroe, written January 6, 1818, commonly known as the "Rhea letter," and the subsequent quarrel to which it gave rise between Jackson and Calhoun, are too well known to need recital. "Let it be signified to me through any channel," says Mr. J. Rhea, "that the possession of the Floridas would be desirable to the United States, and in sixty days it will be accomplished." President Monroe was sick in bed when the letter arrived. It was referred to Mr. Calhoun, secretary of war, who returned it to the president as a private letter, requiring an answer from himself. It remained unnoticed until after the event, and was never answered. Official orders authorized Jackson to make war upon the Seminoles, and to cross the Spanish line, if necessary, in pursuit, but under no circumstances to attack or invest a Spanish post.

Jackson hastily enrolled 1,000 volunteers from Tennessee, and leaving Nashville January 22, 1818, marched to the frontier in Georgia, where he was joined by a body of Georgia militia and 500 United States troops. A little later, by treaty with the Creeks, he added to his force 2,000 Indians. He at once entered the Seminole

country, driving their warriors before him and burning their villages. He appeared before the Spanish post, St. Mark's, and demanded its surrender April 7. Upon the refusal of the Spanish commander he took possession without resistance. Marching thence to Suwanee, he found that the Seminoles had evacuated the place and taken refuge in the swamps. Jackson then marched to Pensacola, the stronghold of Spain in Florida. The Spanish governor surrendered under protest May 24, and removed his troops to Havana. Placing Pensacola in charge of a garrison of United States troops, Jackson ordered General Gaines to seize St. Augustine. This last order was countermanded from the war department before it could be executed.

When information of General Jackson's proceedings reached Washington, the government was astounded. The president and cabinet were in possession of information of which General Jackson was ignorant. They had not authorized or contemplated hostilities against Spain and they regarded the action of their general at this peculiar juncture as very unfortunate. Negotiations for the cession of Florida by Spain had begun informally as early as January, 1816, but had reached no decisive stage, although Don Luis de Onis, the Spanish minister, had suggested that his Catholic majesty might be induced to cede his claims. Intimations from foreign powers, in alliance with Spain, had indicated a willingness to the cession of Florida, but disapproved of the use of force, and Monsieur de Neuville, the French minister, had paved the way for negotiations between Secretary Adams and Chevalier Onis. Under these circumstances the administration felt sorely perplexed by General Jackson's course, and feared that it would result in destroying the prospects of peaceful negotiation, and might lead to hostilities with Spain and her allies.

A cabinet meeting was called. It was decided that the action of their general must be disavowed and the

captured posts returned to Spain—but what must be done with the glorious, willful general? It was at this meeting that Mr. Calhoun, secretary of war, expressed the opinion that Jackson ought to be court-martialed. Mr. Crawford and the other members of the cabinet disapproved Jackson's course. John Quincy Adams, the secretary of state, alone of the cabinet defended him unreservedly. The president was opposed to any measure of punishment or censure. Jackson was ordered to surrender the Spanish posts, and friendly letters of explanation were written to him. General Jackson obeyed the orders, but with deep mortification, and attributed the action of the administration to the intrigues of his enemies, and especially blamed Mr. Crawford. The deliberations of the cabinet being conducted under the injunction of secrecy, the proceedings could not be honorably divulged. General Jackson for many years believed that Mr. Calhoun had been his defender and champion in the cabinet, and entertained for him the most cordial friendship. Ten years later the proceedings of this cabinet meeting became public and led to a rupture between General Jackson and Mr. Calhoun, which produced important political effects.*

It was now necessary for President Monroe to enter on the diplomatic task of appeasing Spain and Great Britain by disavowing General Jackson's acts, without disgracing or even censuring the author. This delicate task was confided to the secretary of state, John Quincy Adams, whose diplomatic work had heretofore been eminently successful, and who had been the friend and champion of General Jackson in the cabinet, and who really approved his course. This duty was brilliantly performed.

* The controversies in regard to General Jackson's course in Florida and the cabinet action are given at length in a pamphlet published by Mr. Calhoun in 1829; in Benton's "Thirty Years in the United States Senate," vol. 1, p. 167, *et seq.*, containing General Jackson's "Exposition;" in "History of the United States," by James Schouler, vol. 3, p. 68, *et seq.*; and in an article "Monroe and Rhea Letter," Magazine American History, October, 1884, by James Schouler.

Spain was conciliated by the prompt action in surrendering the captured territory and the frank apology of the United States. The spirited representations of Mr. Adams plainly pointed out the failure of Spain to comply with her treaty obligations to restrain the Indians within her borders from depredations on the United States; the situation which she occupied of giving shelter to a nation of savages making war upon a friendly nation, and the absolute necessity for General Jackson to take vigorous action. Spain, therefore, refrained from demanding the punishment of the offending officer as a measure of national redress.

Movements of a political character were now put on foot in Congress, instituted by the jealousy of rivals who wished to crush the growing popularity of this rising military favorite. Resolutions were introduced in the Senate and in the House censuring the course of General Jackson in strong terms. In both houses these resolutions failed; the vote in the House being 108 in Jackson's favor to 62 against him. Of this vote an analysis showed, in Jackson's favor were 100 Republicans, 6 Federals and 2 of doubtful politics, while against him were 29 Republicans, 31 Federalists and 2 of doubtful politics. (See Schouler's History of the United States, vol. 3, p. 90. Note.) The Senate took no final action on the subject. The Seminole war and its results brought Jackson into greater prominence than did the victory of New Orleans.

In the meantime, the negotiations for the acquisition of Florida had been resumed and were progressing favorably.*

July 19, 1818, Don Jose Pizarro wrote to Mr. Ewing, the United States minister at Madrid: "In one of our late conferences I had the honor to state to you anew His

* See the admirable article of Hon. J. L. M. Curry, "The Acquisition of Florida," in American Magazine of History, April, 1888.

Majesty's readiness to cede both the Floridas to the United States * * * in consideration of a suitable equivalent to be made to His Majesty in a district of territory situated to the westward of the Mississippi." Soon after this note the news arrived that Pensacola had been seized by the United States, and negotiations were suspended. They were resumed at Washington, October 24, by a note from Chevalier Luis de Onis to Mr. Adams, making proposals to cede the Floridas. Projects and counter projects were exchanged, without coming to an agreement. At this juncture, Mr. Hyde de Neuville, the French minister, took part in the negotiations, and a conclusion was speedily reached. The treaty was signed on the part of the United States by John Quincy Adams, secretary of state, and on the part of Spain by "the Most Excellent Lord Don Luis de Onis, Gonzales, Lopez y Vara, Lord of the town of Rayaces, Perpetual Regidor of the corporation of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendee, Knight Pensioner of the Royal and Distinguished Spanish Order of Charles the Third, member of the Supreme Assembly of the said Royal Order; of the Council of his Catholic Majesty; his secretary, with exercise of decrees, and his envoy extraordinary and minister plenipotentiary near the United States of America."

By this treaty "his Catholic Majesty ceded to the United States" * * * "all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East Florida and West Florida." The boundary of Louisiana is defined west of the Mississippi. The line was to begin at the Sabine and run on the west bank of that river to the 32d degree of latitude. Its course from that point is described until it reaches the Arkansas and follows the course of that river to the 42d parallel, and then follows the 42d parallel to the sea. The United States cedes to his Catholic Majesty "all

rights, claims and pretensions to the territories lying west and south of the above described line; and, in like manner, his Catholic Majesty ceded to the United States all his rights, claims and pretensions to any territories, east and north of the said line." All spoliation claims were renounced, and the United States agreed to pay to American citizens all claims against Spain "to an amount not exceeding five millions of dollars." The treaty contained sixteen articles. (The Public Domain, Donaldson, p. 108, *et seq.*)

Thus the United States relinquished to Spain the territory from the Sabine to the Rio del Norte, or Colorado, which now forms the State of Texas, and was clearly a part of the Louisiana cession, and assumed the payment of $5,000,000; and received in return East Florida, the confirmation of her title to West Florida and the title of Spain to Oregon by right of discovery. This cession of the Spanish title confirmed the title to Oregon, but left the northern boundary in dispute with Great Britain. Its final settlement many years later threatened to lead to a third war with Great Britain.

This treaty was executed by Secretary Adams and Don Luis de Onis on Washington's birthday, February 22, 1819, and was approved by the President and unanimously ratified by the Senate on the same day. It was at once forwarded to Spain, and Mr. Forsyth, of Georgia, was appointed minister to Madrid to secure its ratification. An unexpected reluctance to its completion was shown by the Spanish court. It was not until October 24, 1820, that Ferdinand VII, king of Spain, finally ratified it. When returned to Washington, the limitation for the exchange of ratifications having expired, it was necessary for the Senate to pass on it a second time, which was done February 19, 1821, by a unanimous vote.

Thus, after twenty years of inflexible adherence to the sagacious course marked out by Jefferson, the party which he founded had won the final victory of his for-

eign policy. To make the victory complete, the ratification had been twice unanimous. How different from the reception of the Louisiana treaty! No constitutional objections! No obstructions! No threats of disunion! This unanimity was a fitting sequel to the recent presidential election. Monroe had been elected without opposition. Even those who had so long and so vehemently opposed and obstructed the policy of expansion, now united with the general voice in applauding the twenty years of public administration which has never been surpassed for wisdom, virtue and patriotism. The table here given shows the electoral vote of 1820:

States.	President.			Vice-President.					
	James Monroe.	John Q. Adams.	Vacancies.	D. D. Tompkins.	R. Stockton.	D. Rodney.	R. G. Harper.	Richard Rush.	Vacancies.
Alabama	3	..	..	3	..	..	..	..	..
Connecticut	9	..	..	9	..	..	..	..	..
Delaware	4	..	..	..	..	4	..	..	..
Georgia	8	..	..	8	..	..	..	..	..
Illinois	3	..	..	3	..	..	..	..	..
Indiana	3	..	..	3	..	..	..	..	..
Kentucky	12	..	..	12	..	..	..	..	..
Louisiana	3	..	..	3	..	..	..	..	..
Maine	9	..	..	9	..	..	..	..	..
Maryland	11	..	..	10	..	..	1	..	..
Massachusetts	15	..	..	7	8	..	..	..	..
Mississippi	2	..	1	2	..	..	..	..	1
Missouri	3	..	..	3	..	..	..	..	..
New Hampshire	7	1	..	7	..	..	..	1	..
New Jersey	8	..	..	8	..	..	..	..	..
New York	29	..	..	29	..	..	..	..	..
North Carolina	15	..	..	15	..	..	..	..	..
Ohio	8	..	..	8	..	..	..	..	..
Pennsylvania	24	..	1	24	..	..	..	..	1
Rhode Island	4	..	..	4	..	..	..	..	..
South Carolina	11	..	..	11	..	..	..	..	..
Tennessee	7	..	1	7	..	..	..	1	..
Vermont	8	..	..	8	..	..	..	..	..
Virginia	25	..	..	25	..	..	..	..	..
Total	231	1	3	218	8	4	1	2	2

Yet, neither Jefferson nor General Jackson were entirely satisfied with the treaty. General Jackson yielded his objections, but Mr. Jefferson could not bear to see the surrender of any portion of the territory which he had acquired. In 1803, when propositions had been made to exchange a portion of Louisiana for Florida, Mr. Jefferson wrote to Mr. Breckinridge: "Objections are raising to the eastward to the vast extent of our boundaries, and propositions are made to exchange Louisiana, or a part of it, for the Floridas; but as I have said, we shall get the Floridas without, and I would not give one inch of the waters of the Mississippi to any foreign nation." He still retained in 1819 the sentiments which he expressed in 1803.

Thomas H. Benton, afterward the famous senator from Missouri, was at that time engaged in the practice of law at St. Louis. During the period which intervened between the execution of the treaty in 1819 and its final ratification in 1821, Mr. Benton attacked the authors of the treaty in newspaper publications, and especially blamed Mr. Adams for yielding Texas to Spain. In his luminous work, "Thirty Years in the United States Senate" written many years afterward, he makes the "honorable amend" to Mr. Adams, and gives a lucid explanation of the whole matter. (Benton's Thirty Years, vol. 1, p. 14, *et seq.*) Mr. Monroe and his cabinet found a deep-seated repugnance still existing in the Northeast to the southward and westward extension of territory. The people of that section looked on territorial extension as a Southern conspiracy to destroy the balance of power between the States, and to deprive the Northeast of its legitimate share in the control of the country. There were, apparently, strong reasons for this apprehension, and up to 1820 the effect had certainly been to give the South a preponderating influence. The condition of the European powers which held American territory, as well as the geographical features of America, had rendered

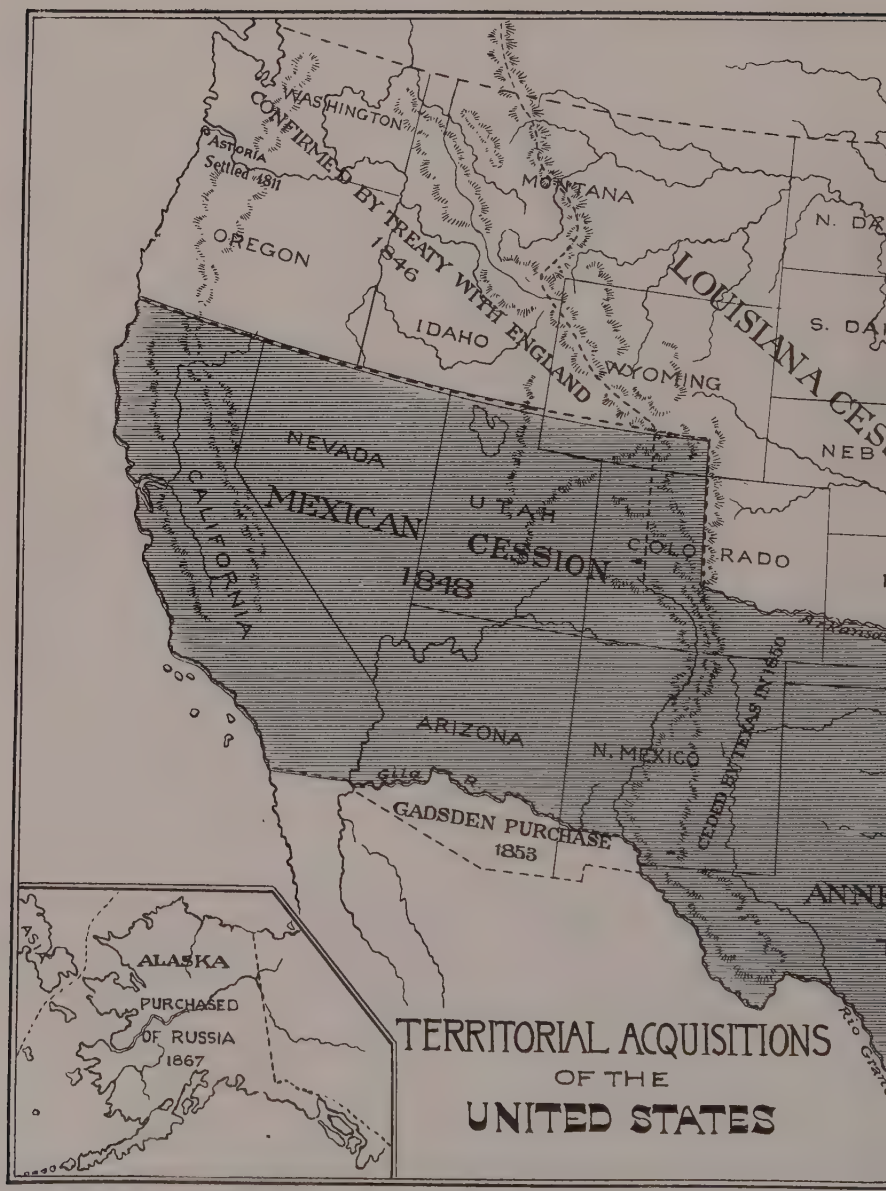
extension to the south and west both desirable and attainable; while extension to the north was absolutely blocked. The result had been expansion in the only possible direction, but in a direction which aroused the fears of the Northeastern section.

New England was at that time powerless in the councils of the nation. The rights of this section depended solely on the protection afforded by the Constitution, and on the forbearance and justice of the party in power. To those who have felt the emotions which throb in the hearts of all people of Anglo-Saxon-Norman blood, the excitement in New England from 1803 to 1816 occasions no surprise. The people of each section in turn have been restive under like conditions. In 1820 the people of New England had reflected soberly. They had become convinced that the ruling sections entertained no purpose of invading their liberties, or injuring their interests. The policy of expansion, indeed, threatened to confirm the temporary control of the party which they still considered the "Southern party," but an examination of the map pointed out the road to the future recovery of their lost political prestige. Since expansion could not be resisted, they yielded the contest, and turned attention to the organization and assimilation of the territory acquired. Even at that early day they recognized the disadvantage under which the South would be placed by its institution of slavery in the race for settling and controlling the northern portion of the new country, and they entered on the work of acquiring political control of the coming States with a forecast of the future. In this work they displayed a persistence and resolution equal to that shown by the South in the acquisition, and an energy more intense. Even before the treaty with Spain had been concluded in 1821, this purpose had been clearly outlined.

In this stage of affairs, the course of President Monroe in shaping the Spanish cessions, was peculiarly accept-

able to the North, and was satisfactory to the South. The whole matter is lucidly set forth by Mr. Benton in his "Thirty Years' View," in which he quotes a letter of Mr. Monroe to General Jackson, dated May 22, 1820, which came into Mr. Benton's possession among the Jackson papers: "Having long known the repugnance with which the eastern portion of our Union, or rather those who have enjoyed its confidence (for I do not think the people themselves have any interest or wish of that kind) have seen its aggrandizement to the west and south, I have been decidedly of the opinion that we ought to be content with Florida for the present, and until the public opinion in that quarter shall be reconciled to any further change." This argument convinced General Jackson, who replied, "I am clearly of your opinion that, for the present, we ought to be content with the Floridas."

Thus Texas, clearly a part of the Louisiana purchase, which was conceded by Spain, was sacrificed to appease Northeastern jealousy. The willingness of Spain to make concessions west of the Mississippi was diverted to the cession of her claims to Oregon, thus throwing to the North an acquisition of territory unsought, to balance southern extension. This action was voluntary and generous. The South had the game in her hands, but her leaders refrained from pushing the advantage. As in 1781 the Southern States ceded their western lands to secure the formation of the Union, so in 1819 the same section yielded Texas to appease jealousy and promote "The Era of Good Feeling."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Astoria
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N. MEXICO
Gila R.
GADSDEN PURCHASE
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OF RUSSIA
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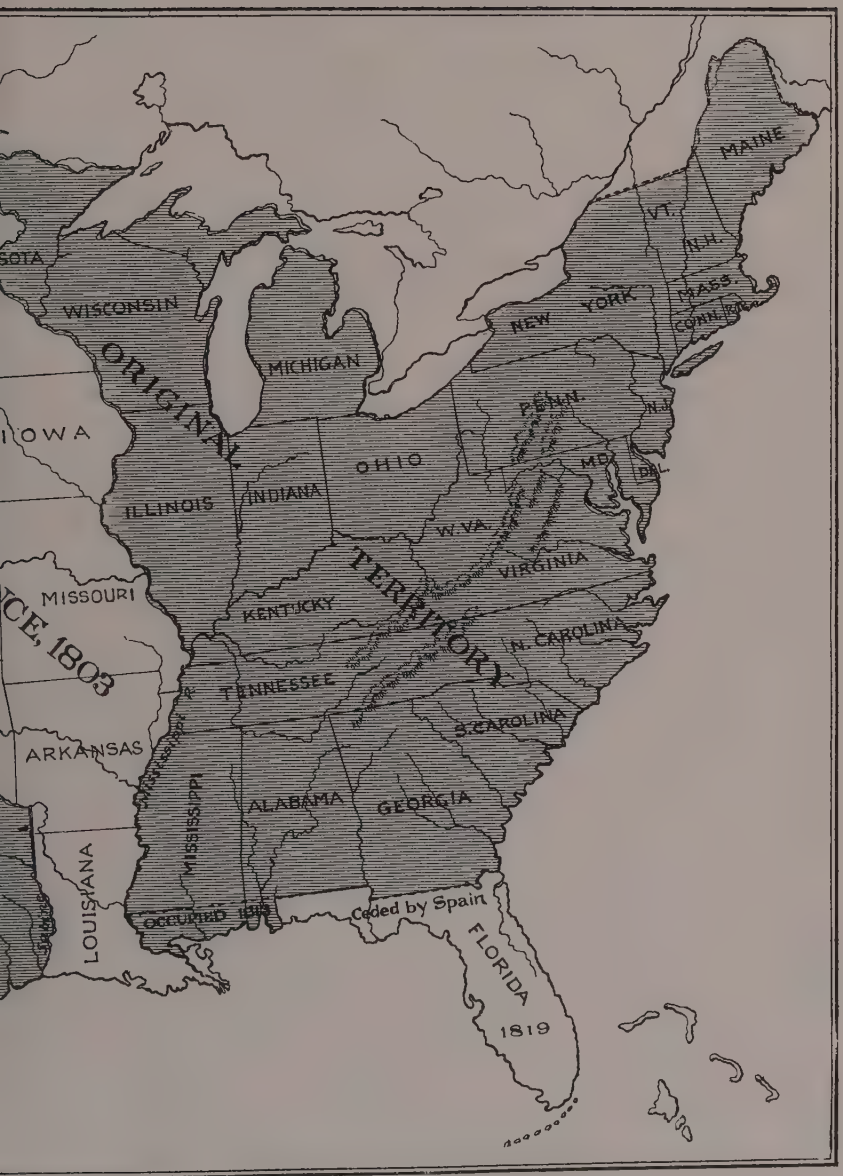
TERRITORIAL ACQUISITIONS
OF THE
UNITED STATES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S. CAROLINA
GEORGIA
ALABAMA
MISSISSIPPI
TENNESSEE
KENTUCKY
OHIO
INDIANA
ILLINOIS
MICHIGAN
WISCONSIN
ORIGINAL
TERRITORY
IOWA
MISSOURI
ARKANSAS
LOUISIANA
OCCUPIED 1813
Ceded by Spain
FLORIDA
1819
CE, 1803

CHAPTER V.

ANNEXATION OF TEXAS—WAR WITH MEXICO—MEXICAN CESSIONS—OREGON TREATY WITH GREAT BRITAIN.

EVEN before the treaty with Spain had been concluded in 1821, the slavery agitation had begun. The question of slavery will be discussed here only so far as its agitation became a factor in the contending forces which caused or obstructed territorial expansion.

In its first stages, the slavery agitation was not directed towards the abolition of slavery. It was a contest for the balance of power between the States. On the question of territorial expansion, the Northeastern leaders had fought and lost. The result had been to isolate their section. Each new State entered the Union as the friend and ally of the Republican party, to whose favor they owed existence. The immense area of territory, soon to be organized into States, seemed to offer permanent control to the allied South and West, and to leave New England a helpless faction in the government. No people of English blood have ever rested content with such a condition. The Northeastern leaders did what all sections have done when placed in similar circumstances. They looked about for some means of relief. Having studied the matter profoundly, they comprehended the situation. The Northern States had abolished slavery, and the geographical line of separation left the greater area to the north. Some political issue must be found which would force a new alignment of parties. This issue must be geographical and aggressive. It must be one on which the entire North could unite in sympathy,

With great sagacity the issue was chosen—an issue which could unite all states East and West, which were north of the slave line, and which could strike a blow at Southern supremacy on its most vulnerable point—the institution of slavery.

Public sentiment had already undergone important changes with regard to this institution. The inexorable operation of the laws of nature had made slavery sectional. It now remained to force the division of political parties on the same sectional line.

All the original thirteen States had been partners in the introduction and existence of slavery and its protection by the Constitution; each section taking such part as best suited the peculiar interests and characteristics of its people. The Northeastern States took the commercial part, and were largely instrumental in the slave trade, for the reason that they were the chief commercial section. Thus they became the carriers for imported slaves as for other articles of merchandise. The Southern States furnished the market and were the buyers. The slave trade and the institution of slavery had been reprobated by good men of all sections from the time of the revolution. The sentiments of Washington, Jefferson and other Southern leaders are well known.

The first movement to exclude slavery from the territories came from the South. (See Journals of Congress; Benton's Thirty Years, vol. 1; Donaldson's Public Domain.) March 1, 1784, Mr. Jefferson submitted to Congress his famous plan for the government of the Northwest Territory, being the same day on which Congress accepted the cession of Virginia. This plan, with a few amendments, was adopted April 23d, and became "The Ordinance of 1784." The ordinance, as offered by Mr. Jefferson, contained the clause: "That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States (formed out of Northwest Territory) otherwise than

in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty." This clause was stricken out before the passage of the ordinance on the motion of Mr. Speight, of North Carolina. Mr. Benton explains the reason. The Southern States demanded that a clause should be inserted in reference to fugitive slaves, which being refused, they voted against the whole provision in reference to slavery. The first movement, then, to limit slavery was proposed by a Southern delegate. At a later period it was renewed by the South and passed by Southern votes.

July 11, 1787, Mr. Carrington, of Virginia, chairman of the committee on the Northwest Territory, submitted the report of that committee. The other members were Mr. Dane, of Massachusetts, Mr. R. H. Lee, of Virginia, Mr. Kean, of South Carolina, and Mr. Smith, of New York. A majority of this committee were Southern men.

Their report, after amendment, was adopted July 13th, and became the "Ordinance of 1787." Article sixth of this instrument is as follows: "There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted; provided, always, that any person escaping into the same, from whom labor or service is claimed in any of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid." There were present eight States, four Northern and four Southern. The ordinance was passed by the unanimous vote of these States, viz., Massachusetts, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia. One individual vote was cast against it, and that by a Northern member. Mr. Yates, of New York, voted "No," but being overruled by his colleague, the vote of New York was counted "Aye," and the vote by States was unanimous.

Thus, in 1787, the provision offered by Jefferson in

1784 was adopted nearly in his original language by the unanimous vote of all the States present, and the first legislative restriction of slavery by the general government was enacted. The evidence is conclusive that the question was not, at that time, sectional, and elicited no acrimony. A striking example is furnished in 1802 in the convention for forming the first constitution of Ohio. On the question of admitting negroes to the right of suffrage the vote stood 17 ayes, 17 nays. (Life of Nathaniel Massie, p. 87.) "This convention was controlled by men from the slave-holding States of Kentucky and Tennessee, yet we find them badly divided on this question—one of their own leaders, Charles Willing Byrd, a Virginian of the Virginians, standing steadily for the right of the negro to vote. On the other hand, Messrs. Huntington, of Trimble county, and McIntosh, of Washington county, scions of New England stock, were with Massie and Worthington against negro suffrage." Thomas Worthington, although opposed to negro suffrage, had emancipated his slaves on leaving Virginia.

The following quotation from an author of accuracy and ability shows that the slavery question had not taken a form entirely sectional even as late as 1824: "One thing is remarkable; East Tennessee had an abolition paper nine or ten years before the advent of Garrison's paper. As early as 1814 or 1815 an abolition society, perhaps the first in the United States, had been formed in East Tennessee. (See article by S. A. Link, American Historical Magazine, October, 1896, p. 333.)

In April, 1820, the first number of The Emancipator was issued at Jonesboro, by Elihu Embree. After the death of Embree, The Genius of Universal Emancipation was published at Greenville by Benjamin Lundy. This lived until 1824. Lundy induced Garrison to enter the field of editorial effort in behalf of emancipation. * * * (See Article by Rev. E. E. Hoss, entitled "Elihu Embree,

Abolitionist," in April number, 1897, of the American Historical Magazine.)

When the slave trade was abolished in 1808, the Northern States had already found slavery unprofitable. There was no cogent interest to withhold them from yielding to sentiments of philanthropy or from following sound principles of public policy in abolishing slavery and transferring their slaves to the South. They got rid of slavery and they got rid of the slaves. In the South a very different question was presented. Slave labor had been found profitable, or at least convenient, by the Southern planters. Slaves had accumulated on their hands in large numbers. Even if they should be willing to abolish slavery, there was no means to get rid of the slave population. Thus, in 1819, all the States north of Mason and Dixon's line and the Ohio river to the Mississippi were Free States, and all south of that line were Slave States.

Simultaneously with the transfer of slavery to the South, a steady stream of foreign population began to flow to the North and to move over to the northwest. This was due to two causes. The North Atlantic coast was the commercial section and immigrants were landed at the Northern ports, and naturally followed the lines of latitude in moving West. It was soon found that these immigrants, by a natural instinct, avoided slavery. (American Politics, Johnston, p. 334.)

In 1816, the representation in Congress stood: In the Senate, Free States, 24, Slave States, 24; in the House, Free States, 105, Slave States, 82. The number of States was twenty-four, of which 12 were Free and 12 were Slave States. The preponderance of population and of representation was in favor of the Free States.

Party divisions, however, were not drawn on the same lines. Slavery had followed the geographical lines, but politics had not. Shrewd political leaders were now planning to divide political parties along the same geo-

graphical line which slavery had followed from natural causes. If this could be done, the control of the Southern party would be broken, the balance of power would be restored, and the united North would have a preponderance of the House of Representatives and of the electoral vote. Yet, this was no easy task, and it could not be performed by the Federalist party. It must be done by new men, under new names; for the hold of the Republican party on the affections of the people was too strong to be easily loosened.

The opportunity came when Missouri applied for admission in December, 1818. In the House, Mr. Tallmadge, of New York, offered an amendment, February 13, 1819, to the bill for Missouri's admission, imposing the restriction that all persons born in the State should be free, and providing for the gradual emancipation. After an exciting debate, in which Mr. Tallmadge pressed his amendment with signal eloquence and ability, it was adopted February 16th by a vote of 87 to 76, and the amended bill passed by vote of 97 to 56. (Benton's Abridgment, vol. 6, pp. 333, 356.) All party ties were discarded, and new bonds of sympathy were suddenly formed. The Free States were temporarily arrayed on one side and the Slave States on the other. The bill went to the Senate, where the slavery restriction was stricken out. The House refused to concur, and the door of admission was closed to Missouri for the present. The news produced intense excitement throughout the country and came to Jefferson "like a fire-bell in the night." The action of the House was indorsed strongly at the North and created alarm at the South. The first effort to destroy old political ties and array parties on sectional issues had been successful on an important measure, but the party lines had not yet been permanently changed.

The contest was to be renewed in the next Congress. Up to this time each State had been allowed to prescribe

its own domestic government, and no restrictions had been placed on any State as a condition of admission except the adoption of a constitution in conformity with the Constitution and laws of the United States. Slavery had not been prohibited in any portion of Louisiana Territory, and many persons had moved into Missouri with their slaves, and their interests had been identified with slavery. They were now holding slaves under the direct authority of Congress, and it seemed to the people of Missouri a hardship that they should suddenly be subjected to a rule which had been applied to no other State. The South fully sustained Missouri in this view.

The people of the North felt differently. The extension of slavery must be stopped. The greater part of Missouri lay north of the line which divided the present free and slave area. Slavery must not be permitted to cross that line.

When the next Congress assembled, the Missouri question became complicated with the question for the admission of Maine. In the Senate, the South could put a veto on the admission of the Northern applicant, while the Northern majority in the House could veto the admission of the Southern applicant. Massachusetts had already assented to the separation, and Maine had formed a constitution. The petitions for admission, one from Maine and one from Missouri, were presented to the House in December, 1819. A bill for the admission of Maine speedily passed and was sent to the Senate, while the petition of Missouri was left without action. The Senate very properly amended the Maine bill by adding to it clauses admitting Missouri. This action plainly indicated that the South understood the Northern purposes and did not intend to submit to the policy of admitting Northern States while admission was refused to Southern States. If Missouri was admitted, the South would gladly admit Maine. If the North chose to block the further admission of States, the South could not help

it. This judicious action forced the admission of Missouri, but not until the South yielded to the Missouri compromise.

Looking at the matter in the light of experience, we can now see what the Southern leaders of that day could not foresee. The wisest course for the South to have pursued would have been to offer an amendment to the Constitution, providing for the gradual abolition of slavery, the value of emancipated slaves to be paid by the United States. Such a proposition would have tested the sincerity of Northern philanthropy, and would either have produced a revulsion of Northern sentiment, or better still, might have averted the calamity and greater expense of the Confederate war. But at that time no such thought entered into the minds of the Southern leaders.

The final result is well known. Our space does not permit us to follow the proceedings of Congress in detail.*

The amendment offered by Mr. Thomas, of Illinois, became the ultimate basis of compromise. Maine was admitted. The act enabling Missouri to form a constitution without restriction passed the House by a vote of 90 to 87, and the famous Compromise clause was enacted by a vote of 134 to 42. This compromise provides that in all portions of the Territory of Louisiana, lying north of 36° 30′ of latitude, slavery shall be forever prohibited, but fugitive slaves shall be restored to their owners. It follows closely the language of the ordinance of 1787. Upon this compromise being assured, the acts were separated, and the Maine bill became a law March 1, 1820. No further act of Congress being necessary, Maine became a State at once.

Missouri was doomed to further trials. The enabling

*The reader is referred to that invaluable work, Benton's Thirty Years, vol. 1, and to the able history of James Schouler, vols. 3 and 4. Mr. Schouler looks at the subject from a standpoint favorable to the abolition of slavery. While condemning the course of the Southern leaders, he gives valuable testimony to the fact that the movements tending to the acquisition of Texas came from the South.

act of Congress became a law March 6, 1820. It was necessary for Missouri to adopt a constitution which must receive the approval of Congress. The territorial convention adopted a constitution sanctioning slavery and prohibiting the legislature from ever abolishing it, and containing a further clause empowering the legislature to prohibit the immigration of free negroes into the State. These two provisions were made the occasion for violent opposition to the admission of the State and gave rise to other acrimonious discussion, in which the opponents of admission were charged with bad faith. The Senate and House again disagreed. Finally, a conference committee was appointed by the House on the motion of Henry Clay. This committee met a similar committee from the Senate and agreed upon a joint resolution which is sometimes called the Second Missouri Compromise. This resolution provided for the admission of the State as soon as her Legislature should, by law, declare that the clause in her constitution relative to the immigration of free negroes "shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States." Upon such action of her Legislature being duly certified, the President was authorized to declare the admission of the State.

This resolution passed the Senate 28 to 14 and passed the House by the slender majority of four, the vote being 86 to 82. The entire Southern delegation, with the exception of a few members led by John Randolph, voted throughout the controversy for the Missouri Compromise. In this they were aided by a small party of Northern Republicans. Mr. Benton, than whom there is no higher authority, either in point of accurate judgment or truthful testimony, says of the effort to prevent the admission:

"It was a political movement for the balance of power, balked by the Northern Democracy, who saw their own overthrow and the eventual separation of the States in the establishment of geographical parties divided by a slavery and anti-slavery line."

He says in another place: "The restriction came from the North—the compromise came from the South. The restriction raised the storm—the compromise allayed it."

The required action having been taken by its legislature, and approved by the President, Missouri became a State August 10, 1821.

After the compromise had been concluded the slavery agitation assumed, for a while, a calmer aspect. The line of 36° 30′, which had been made the dividing line between the Slave and Free States, left by far the greater area of unsettled territory to the North. There remained now to the South only the territories of Arkansas and Florida and what has since become the Indian Territory. North of this line lay the immense stretch of country which embraced the present States of Michigan, Wisconsin, Iowa, Minnesota, the two Dakotas, Montana, Idaho, Washington, Oregon, Nebraska, Kansas, part of Colorado, and part of the territory of Wyoming. In addition to this, as the claim of the United States to Oregon extended to the parallel 54° 40′, a large and indefinite area might become Northern territory.

It required no great prescience to foresee that, if political parties should ever come to be arrayed on the geographical line which divided the Free and Slave States, the time was near at hand when the South would become what New England had been, a helpless faction in the government. It was plain that slavery agitation was the strongest lever for the hands of those who wished to promote the geographical alignment, and the efforts of those who desired to prevent such a result must be devoted to allaying the slavery excitement. As yet, the Republican party, though rudely shaken, was too deeply rooted in

public confidence to be overthrown. The Missouri Compromise, which was mainly a Southern measure, had allayed the storm. A majority of the Northern Republicans exerted their influence to quiet the agitation, but all felt that the hold of the Republican party had been loosened. In the subsequent readjustment of parties under the new names of Democrat and Whig, while sectional influences may be traced through the several Presidential elections, yet the complete division on the slave line was averted until the triumph of the new Republican party in 1860.

Meanwhile, the slavery agitation, though not brought to issue by any decisive political crisis, was continued both by discussions in Congress and by irritating publications. The North went to work systematically to stimulate immigration. Societies, known as Immigration Aid societies, etc., devoted organized efforts to attract immigrants and to control them. The effort was soon visible. The Northern area increased in population until in 1844 its representation in the popular branch of Congress was 135, while the number of representatives from the Slave States was only 98. So far, the number of States on each side was equal, but the Southern supply was exhausted. On the Northern side of the line, a formidable array were approaching readiness for admission. The slavery agitation was becoming more threatening in tone. Beginning as a movement to limit the area open to slavery and to retard Southern emigration into the territories by rendering the removal of their slaves unsafe, it now began to assume the form of hostility to the institution of slavery, and to threaten abolition by act of the Federal government. Though in 1844 the organized movement in favor of abolition was incomplete and powerless, yet it was growing, and the immense expanse of territory north of the line pointed out that the balance of power would soon be in the hands of those who threatened the Southern institution.

The South saw no resource. As a section it was sparsely peopled, and could neither supply from its own population nor attract from abroad a sufficient emigration to compete in the settlement of the territories. Besides, the restricted area south of the compromise line of 36° 30′ had been still further diminished in 1832 by the adroit policy of Northern members of Congress.

When Georgia demanded the removal of the Indians from her borders in compliance with the contract made by the United States in 1802 in accepting the cession of Mississippi Territory, it was decided to provide an Indian reservation west of the Mississippi. Mr. Benton has recorded the fact that the party in power was relieved from an annoying position by the generous co-operation of Northern members. This co-operation, however, had the effect of settling these red men upon the Indian Territory, and thus cutting off at least one State from the area which had been left to the South by the Missouri compromise. Florida alone remained as a Southern resource.

In this extremity, the Southern States clearly saw that the time was drawing near when they must lose their last hold on the balance of power—the Senate. The Northern territories were rapidly approaching statehood; the sentiment against slavery was growing in intensity and power and was already portentous. They must prepare either for the surrender of slavery or for disunion, or they must find some resource to avert the danger. Their thoughts turned to revive the policy which they had engrafted on the institutions of the United States and which had been the foundation of their long lease of power—territorial expansion. They called to mind that Texas had been a part of the Louisiana cession and had been bartered away to appease Northern jealousy. It was now sorely needed to protect Southern equality. It was larger than the whole of New England, and could be made into five or six States.

The people of the whole country had watched with sympathy the efforts of the Spanish-American provinces toward establishing themselves as independent republics. The Southern people viewed with deep interest the efforts of Texas to throw off the yoke of Mexico. Propositions had been made by the United States in 1827, during the Presidency of Mr. Adams, for the purchase of Texas, which had been emphatically declined by Mexico. The next move was in Jackson's administration. Says Mr. Schouler (Schouler, vol. 4, p. 249): "The vigilant Jackson, during his first presidential term, negotiated with Mexico for amity, commerce and navigation. But he soon saw that the Southern bent was for territorial extension, and all the more eagerly now that the Northern abolition movement and British emancipation in the West Indies showed that there was danger of a conscience crusade against the very heart of their social system." In 1835 overtures were made to Mexico for the purchase of Texas and the territory north of the 37th parallel from the Rio Grande to the Pacific. These overtures were declined.

Meanwhile, flourishing settlements were established in Texas by emigrants from the United States, mainly from the Southwest. When Mexico revolted against Spain, a number of ardent young men, impelled by the same spirit which stirred Lafayette to fight for American liberty, tendered their services to the struggling Mexicans. Among these a large number were from Tennessee, descendants of those pioneers who had won the West. Reuben Ross, a native of Virginia, who had removed to Tennessee, gained the commission of Colonel in the Mexican army, and received for his gallantry an extensive grant of land. Similar grants were made to other American volunteers and were located in Texas. Thus, the American colony gained a strong foothold. Their growth was promoted by the action of the Mexican government encouraging immigration by offering for sale large tracts of land to immigrant societies. Companies

were formed in various parts of the United States for the purchase of these lands. Mr. Huntsman mentions some of the companies formed in Tennessee, and gives the names of their managers or representatives: Colonel Andrew Erwin, Doctor Douglass, Colonel John D. Martin, all men of standing and influence. These Texas settlers took part in the internal struggles of Mexico during the rapid succession of revolutions which placed at the head of Mexican affairs Iturbide, Victoria, Pedrazza, Guerrero, Bustamente and Santa Anna. During all this time, the American settlers displayed the same heroic characteristics which had distinguished their fathers as the pioneers of the West. They were the bulwark against attacks by the Comanches and other Indian tribes, and against despotic government. Thoroughly identified with their new home, they resisted the tyrannical measures of Santa Anna. The Mexican government determined to subdue them, and made war upon Texas and Coahuila. Being for the time compelled to submit, the Texans soon revolted. In this revolt they were aided by the sympathy of the United States and by many volunteers from the South. Among these volunteers were two famous men from Tennessee; David Crockett, whose tragic death at the Alamo has been made the theme of song and story, and Sam Houston, who, having resigned his office as governor of Tennessee, and spent a short time with the Indians, suddenly reappeared as a Texas volunteer.

General Cos, with a large Mexican army, moved under the orders of Santa Anna into Texas to subdue all resistance and to enforce the edict forbidding further immigration from the United States. On the 28th of September, 1835, the Texans defeated a body of Mexican troops at Gonzales, and the war for independence began. Being defeated in a number of battles, at Goliad, Conception, Sepanticlan and San Antonio, General Cos was forced to surrender.

The Texan Congress declared that the Mexican government had forfeited the allegiance of Texas, invited the co-operation of other Mexican States and organized a provisional government, with Henry Smith as governor and Samuel Houston commander-in-chief. A convention was called, to meet at Washington, on the Brazos river. While this convention was in session, Santa Anna, in person, with a force of 10,000 troops, began the invasion of Texas. As soon as information of this invasion reached them, the Texas Convention, March 2, 1836, made a formal declaration of independence and adopted a constitution. The boundaries of Texas were defined in this constitution, and the southern boundary was declared to be the Rio Grande.

Santa Anna made war in the most barbarous manner. Confident of crushing the Texans, he seemed determined to exterminate the rebels. The massacre at the Alamo and the inhuman murder of 500 soldiers, who surrendered under Colonel Fannin, at Goliad, aroused the Texans to efforts almost superhuman. At San Jacinto, April 21st, 800 Texans under General Sam Houston defeated over 1600 Mexicans under Santa Anna, destroying his army and capturing the leader. A treaty was speedily made with Santa Anna while a prisoner of war. The independence of Texas was acknowledged and the southern boundary established at the Rio Grande. In the meantime, there was another revolution in Mexico. Bustamente came to the head of affairs. He and his Congress repudiated the treaty and declared the intention of prosecuting the war.

Texas remained practically an independent State for nine years. Her independence had been acknowledged by the leading powers of the world. It was natural for the ruling element of her people, the same race of hardy pioneers who had carried the American flag to the coast of the Gulf of Mexico and to the shores of the Pacific—it was natural that these people should long to see that

beloved and familiar flag float over their newly formed republic, the emblem of patriotism and the guarantee of protection. Why should this be refused them? It was the ardent desire of a free people. It would add to the greatness and luster of the United States; it would assure, at least for a time, the balance of power between the States. It would reunite with the growing United States a people of kindred blood who would otherwise found a rival republic, and were already invited to form European alliances which, in a few years, might become dangerous. What reason of justice, broad philanthropy, or true patriotism could be alleged against the annexation? It was thought sufficient by many, in the diseased state of the public mind, to utter the portentous word—"Slavery!" "It will extend the slave area and prop the tottering slave power."

It is needless to our purposes to follow the negotiations for the annexation of Texas through all the details of diplomacy, Congressional debate and popular discussion. It is sufficient to note that annexation was favored almost universally at the South and strongly opposed by Northern abolitionists.

Texas applied for annexation in 1837. The application was declined by President Van Buren, but gave rise to animated discussion in all parts of the country. Congress was flooded with petitions and memorials. The State legislatures of Vermont, Rhode Island, Massachusetts, Ohio and Michigan passed resolutions opposing annexation; while the legislatures of Tennessee, Alabama, South Carolina and Mississippi passed resolutions strongly urging it. The question meanwhile remained in abeyance. But matters were brought to a crisis by the presidential election of 1844, in which the questions of the annexation of Texas and the exclusive occupation of Oregon were made the leading issues.

The Texans had begun to show some resentment at the reception of their overtures, and entertained propositions

for the acknowledgment of their independence and a friendly treaty with Mexico, on the condition that they should bind themselves never to become a part of the United States. It was believed that Mexico was instigated to demand this condition by Great Britain, who was also believed to be offering inducements to Texas to accept the condition by tendering favorable commercial privileges. There was, also, a rumor to the effect that Great Britain was endeavoring to acquire a protectorate over Texas. This rumor proved to be without evidence, but it served to draw attention to the danger of European interference in American affairs. It called forth meetings in the South, some of which passed resolutions looking to a convention of the Southern States to consider the question of a peaceful dissolution of the Union in the event of the refusal of Congress to annex Texas; other meetings in the South expressed strong opposition to the disunion movement and gave utterance to sentiments of warm attachment to the Union.

A meeting held in the Barnwell district of South Carolina passed resolutions advocating "a convention of the Slave States" in which "the final issue shall be made up and the alternative distinctly presented to the Free States either to admit Texas to the Union, or to proceed peaceably and calmly to arrange the terms of a dissolution of the Union." Another convention at Beaufort, in the same State, resolved "that we will dissolve this Union sooner than abandon Texas." Still another convention in the same State resolved, "and we hold it to be better and more to the interest of the Southern and Southwestern portions of this confederacy to be out of the Union with Texas than in it without her." Similar resolutions were adopted in other portions of the South.

On the other hand, the idea of disunion was repelled with equal emphasis by other Southern States. Nashville, Tenn., and Richmond, Va., having been suggested as suitable places for holding the proposed convention,

these two cities expressed their indignant dissent. The Richmond newspaper press vehemently opposed the convention and its object. Said the Richmond Enquirer: "There is not a Democrat in Virginia who will encourage any plot to dissolve the Union." A meeting of citizens in Nashville protested against "the desecration of the soil of Tennessee by having any convention held there to hatch treason against the United States." A general meeting of the citizens of Tennessee, numerously attended, passed resolutions which struck the keynote of Southern sentiment. These resolutions are quoted at length by Mr. Benton. The following extract will be sufficient to show their spirit: "The citizens here assembled are Tennesseeans; they are Americans. They glory in being citizens of this great confederated republic; and whether friendly or opposed to the immediate annexation of Texas, they join with decision, firmness and zeal in avowing their attachment to our glorious and, we trust, impregnable Union, and in condemning every attempt to bring its preservation into issue or its value into calculation." (Benton's Thirty Years, vol. 2, pp. 617, 618.) Could words be stronger? Such were the sentiments of a State which had contributed more than any other to the colonization of Texas and to its ultimate independence.

Meanwhile, the annexation was vehemently opposed at the North. The main argument used against it was "slavery." The general Northern sentiment expressed opposition to the extension of slavery, but behind this was the vehement abolition party, stimulating the growth of a public sentiment in favor of forcible emancipation. The logic of the entire Northern opposition tended to tie the hands of the South to await the admission of the coming Northern States, when the South would be helpless in the government, with the subversion of its domestic institutions threatened by an aggressive party. Those who expected the South to rest quiet with such a condition of affairs staring them in the face surely did not

comprehend the spirit of people of English blood. If there be two distinct, well-defined characteristics which have distinguished the English race wherever found, these two characteristics are submission to authority which they recognize, and resistance to authority which they do not recognize. The Southern people recognized no authority in the Federal government to interfere with their domestic institution of slavery. There was no such right in 1844 nor in 1861. They did not intend to submit to it at either date. It could be accomplished only by force of arms. In 1844, as in 1861, the Southern people loved the Union, and resisted only what they believed to be an arbitrary invasion of their rights. In 1844 they saw a mode of maintaining the equipoise of the government in the admission of Texas, and they eagerly seized it. The aggressive abolition faction of the North endeavored to shut the door. Fortunately for the country they were unsuccessful for the time, and the "irrepressible conflict" was delayed until after the United States was enabled to complete the extension of its territory to the Rio Grande and the Pacific. The arguments on both sides show that the question was regarded as a contest for the balance of power in the Senate, and that the slavery question was injected into the discussion to promote a geographical division of parties.

Said the New York Evening Post in 1844 (as quoted in Ladd's History of the War with Mexico, p. 29): "The issue is whether this government shall devote its whole energies to the perpetuation of slavery; whether all sister republics on this continent which desire to abolish slavery are to be dragooned by us into the support of this institution."

Said the New Hampshire Patriot: "Slavery and the defense of slavery form the controlling considerations urged in favor of the treaty by those who have engaged in its negotiations."

Such arguments found favor with those who had been

sedulously promoting the policy of immigration, territorial settlement and slavery agitation. Their territories were ready for admission as States, and public sentiment was pressing the alignment of political parties on the geographical line of slavery. A majority in the Senate and entire control of the government was almost within their grasp. Should the South be permitted to bring in new territory and thus escape the net which had been so ingeniously spread? They argued that the annexation of Texas was a conspiracy to extend slavery. It would be robbing Mexico. It would be bad faith. It would be a violation of the Constitution. It would involve war. It would be a ruinous policy. It was morally wrong.

The advocates of annexation used arguments much stronger and more patriotic. They demonstrated the right of Texas to seek annexation, the right of the United States to accept it. They pointed out the many advantages of union both to Texas and to the United States, commercial, social and political; and the many disadvantages to both in remaining apart. They showed that Texas could never again become a part of Mexico, and if not annexed to the United States must become a nucleus of European influence in America. Every motive of interest and sentiment prompted a union with a free people of our own blood who were already assimilated to our institutions. It was argued that those who opposed annexation under the guise of a newly aroused moral crusade against slavery were mainly those who had always obstructed territorial acquisition in every form. If the South should gain the immediate advantage in a political point of view, yet it was no dangerous advantage, and could only enable that section to maintain an equipoise of power; while those who opposed annexation so vehemently were striving to attain a complete and dangerous control of every branch of the government. This reasoning convinced the American people, as the verdict of the

election of 1844 plainly demonstrated, and the following table of the electoral vote of that year will show:

States.	President.		Vice-President.	
	James K. Polk.	Henry Clay.	G. M. Dallas.	T. Frelinghuysen.
Alabama	9	..	9	..
Arkansas	3	..	3	..
Connecticut	..	6	..	6
Delaware	..	3	..	3
Georgia	10	..	10	..
Illinois	9	..	9	..
Indiana	12	..	12	..
Kentucky	..	12	..	12
Louisiana	6	..	6	..
Maine	9	..	9	..
Maryland	..	8	..	8
Massachusetts	..	12	..	12
Michigan	5	..	5	..
Mississippi	6	..	6	..
Missouri	7	..	7	..
New Hampshire	6	..	6	..
New Jersey	..	7	..	7
New York	36	..	36	..
North Carolina	..	11	..	11
Ohio	..	23	..	23
Pennsylvania	26	..	26	..
Rhode Island	..	4	..	4
South Carolina	9	..	9	..
Tennessee	..	13	..	13
Vermont	..	6	..	6
Virginia	17	..	17	..
Total	170	105	170	105

Mr. Polk, the exponent of the annexation of Texas and the occupation of Oregon, the battle-cry of whose campaign had been "Texas, and Fifty-four forty or fight," was elected by a majority of 65 electoral votes over Mr. Clay, whose party represented opposition to annexation, although he himself had formerly been a warm advocate for the acquisition of Texas by treaty, but had taken an equivocal position in this campaign. Relying, however, on the declaration of Mr. Clay that he would seek the

acquisition of Texas by peaceful means, one of the most ardent States in favor of annexation, Tennessee, gave him her thirteen electoral votes over her own fellow-citizen. This election showed that parties were not yet divided completely on the geographical line of slavery. One point was clear. Annexation was the wish of the majority.

It remained only to put the expressed wish of the nation into execution. The 28th Congress convened in its second session, December 2, 1844, and at once entered on the work. President Tyler, in an able message, placed the subject before the two houses and urged that the will of the people should be speedily carried out. Resolutions for annexation were introduced into the House by Mr. Douglass, of Illinois, Mr. C. J. Ingersoll, of Pennsylvania, Mr. Weller, of Ohio, Mr. Tibbatts, of Kentucky, and others; and in the Senate by Mr. Benton and others. These resolutions differed from each other in the measures proposed to accomplish the purpose. In the House, the resolution of Mr. Ingersoll, amended so as to exclude from slavery all territory north of 36° 30′, and further amended, was finally adopted January 25, 1845, by a vote of 120 to 97.

In the Senate, Mr. Benton and others adhered to the Benton resolution and refused to concur with the House. Finally a compromise was effected by adding Mr. Benton's resolution to that of the House as an amendment. In this form the measure passed the Senate by a vote of 27 to 25, and was concurred in by the House February 28th by an increased majority, the vote being 132 to 76. President Tyler approved the bill and decided, without awaiting the inauguration of the incoming President, to proceed at once to execute the authority conferred by Congress. On the last day of his term of office he sent a messenger with the official documents tendering to Texas the consent of the United States to her annexation as a State of the Union.

The messenger arrived just in time. He found agents of Great Britain and France at work to induce Texas to make a treaty with Mexico containing a solemn pledge that Texas would never become a part of any other nation. The fears of the intermeddling of European nations were thus fully verified. So successful had been the work of these European negotiators that a treaty had been already signed by the secretary of the state of Texas and ratified by the Mexican government. It had not yet been formally ratified by the government of Texas. The Texas convention met July 4th. The treaty with Mexico was unanimously rejected, and annexation to the United States was unanimously accepted. A constitution was speedily adopted and ratified by the people of Texas by a vote of 4,174 to 312. Texas was admitted to the Union by joint resolution of Congress, which was adopted in the House December 16, 1845, by a vote of 141 to 56, and passed the Senate by a vote of 31 to 14, December 22d, and was approved by President Polk December 29th. The act extending jurisdiction over the State was approved the same day. Texas was now a State of the Union. Her contest with Mexico devolved upon the United States.

The Mexican war followed inevitably. Much has been said and written to prove that this war was precipitated by the administration. Mr. Benton attributes it to Mr. Calhoun. This was a mere continuation of the old Jackson-Calhoun quarrel, which had been dragged by Mr. Benton and others into every phase of the Texas controversy. The opponents of annexation assailed the administration and all who had taken part in annexation, using arguments familiar to those who have studied the course of the opponents of all territorial expansion. Slavery agitation and efforts to force geographical alignment had been added to the former implements of obstruction, but had failed to prevent annexation. The attack was now directed against the war. It was

denounced as unnecessary. It could have been avoided. It was a cruel aggression upon a weak adversary. It was precipitated by the "slave power."

The war was, in truth, necessary and right. Texas justly owned to the Rio Grande, and the United States had assumed the obligation to defend her territory. The Mexican minister had demanded his passports and left Washington early in March, evidently regarding the annexation of Texas as extending to the United States the condition of war then existing nominally between Texas and Mexico. If Mexico chose to consider that war accrued by the annexation of Texas, how could the United States avoid it? Yet Mr. Slidell was sent to Mexico to endeavor to arrange for peace. He was rudely repulsed.

President Polk wisely and justly determined to occupy the territory as far as the Rio Grande. It would have been weak and well nigh absurd to wait indefinitely on the sullen moods of Mexico. General Taylor, in obedience to orders, advanced to the Rio Grande, taking position opposite to the fortified Mexican town, Matamoras, March 25, 1846. General La Vega, the Mexican commander, then threw a body of troops across the river. On the 24th of April a party of American dragoons under Captain Thornton were surprised by a large Mexican force and compelled to surrender, after the loss of sixteen men out of their force of sixty-three. President Paredes now appointed General Arista to command the Mexican forces on the frontier. General Arista crossed the Rio Grande with an army of 8,000 men and moved to attack General Taylor.

It is no part of our purpose to recount the events of the Mexican war. The Mexicans and the opponents of the administration in the United States, notwithstanding the fact that Mexico had declared the annexation of Texas to be an act of war, and that her minister had demanded his passports and that she had refused to entertain

negotiations, nevertheless persisted in asserting that the United States had forced war and that the military occupation by General Taylor was the beginning of it. The first act of actual hostility was made by Mexico in the attack upon Captain Thornton, and this was followed up by General Arista in the movements against Point Isabel and the attack at Fort Brown and the efforts to intercept General Taylor's march to its relief at Palo Alto May 8th and Resaca de la Palma May 9th.

President Polk was just and candid in his message of May 11, 1846: "As war exists, and, notwithstanding all our efforts to prevent it, exists by the act of Mexico herself, we are called upon, by every consideration of duty and patriotism, to vindicate with decision the honor, the rights and the interests of our country." The opposition endeavored to fasten upon this paragraph of President Polk's message the charge of insincerity, together with some ineffectual attempts at ridicule. This charge, however, is self-refuting, and the message stands a model of moderation, firmness and patriotism.

Mexico pursued a defiant, unwise and sullen policy. Possibly she was misled by unpatriotic expressions in the public prints of the United States to suppose that resistance on her part would defeat the annexation of Texas. Certainly she had no right to obstruct this union between two free governments. Her refusal to enter into negotiations with reference to the boundary, forced the United States either to abandon the just claims of Texas or to adopt vigorous measures to enforce them. Thus, the course of Mexico made the war necessary, and President Polk's statement was strictly true.

Congress was convinced. The bill declaring war was passed by an overwhelming majority. Only 14 votes were cast against it in the House and only two in the Senate. It became a law May 13, 1846.

The war was prosecuted with vigor and success. Volunteers were called into the field. A single illustration

will show the enthusiasm at the South. It is quoted from the Official Manual of Tennessee by Charles A. Miller, secretary of state, page 36: "Governor Brown made a call for 2,800 volunteers—30,000 volunteered." Says Mr. Schouler: "To the call for volunteers our people quickly responded. The heart-beat was passionate in all sections but New England—'our country right or wrong.'" (Schouler's History of the United States, vol. 4, p. 528.)

In addition to the movements of Generals Taylor and Scott into the heart of Mexico, expeditions were planned to take possession of the northern portions, which were sparsely settled and undefended. The remarkable marches and the bloodless conquests of Fremont and Kearney, with insignificant forces, and the occupation of San Francisco by Commodore Sloat, placed California and all the northern portion of Mexico in the possession of the United States at the close of the war. Her military power had been crushed by Scott and Taylor, and Mexico was helpless.

It now remained for the victors to dictate terms. Should these terms be imposed in accordance with the custom of victorious nations, or upon the unusual and American principle of moderation and generous sympathy for a prostrate foe? If there be any force in the charges made by the opponents of the war, they belong here. The war was necessary and right, and was forced by Mexico. Not the war, but the use of the victory, should be the true test. Those who so effusively censured the course of the United States in dealing with Mexico might perhaps have studied with profit the history of nations. It might have served to soften their aspersions if they had made an examination of the course uniformly pursued under similar circumstances by those European nations which they seemed to regard as models. It is the custom of such nations to apply to the conquered country the same rule which the courts apply to the losing

party in litigation—"pay the costs of the suit." It might be difficult for these critics to find an example in Europe where any victor nation voluntarily paid its own costs, and also paid indemnity to the vanquished.

A late example of European methods is furnished in the terms imposed by Germany on vanquished France—$1,000,000,000 indemnity. Had the United States imposed on Mexico the accustomed indemnity, possibly we might have escaped criticism by pleading European precedent. The United States, however, has a way of chalking out her own paths. She dealt with prostrate Mexico according to a novel rule among victors. She offered terms after victory more liberal than any she had proposed before the war. She took measures to heal the wounded pride of her vanquished foe. She withdrew her armies from Mexican territory. She required no indemnity. She paid her own costs of war. She released to Mexico the acknowledged indebtedness of $3,250,000, partly in default of which the war was fought. She paid Mexico $15,000,000 for the territory acquired, which was the same price paid for Louisiana.

The United States was certainly in a position to despoil Mexico of her territory, or even to subvert her independence. Yet such was not the purpose of the victor. (Donaldson's Public Domain, pp. 126–134, and Arts. XIII, XIV and XV of the Treaty.) The treaty of Guadalupe Hidalgo was concluded February 2, 1848, between Nicholas P. Trist, on the part of the United States, and Don Luis Gonzaga Cuevas, Don Bernardo Couto and Don Miguel Atristain, on the part of Mexico. President Polk submitted it to the Senate, February 23, recommending amendments. It was amended by the Senate, and ratified as amended, March 10, by a vote of 39 to 14. Hon. Ambrose H. Sevier, of Arkansas, and Hon. Nathaniel Clifford, as envoys extraordinary and ministers plenipotentiary, carried the ratification of the amended treaty to Mexico with full powers. The treaty, with a protocol

attached by the two ministers, was accepted by the Mexican senate by a vote of 33 to 5, ratifications were exchanged May 30, 1848, and the treaty was promulgated by proclamation, July 4.

By this treaty the boundary was established at the Rio Grande, and all claims of Mexico to Texas, New Mexico and California were ceded to the United States. In consideration of these cessions, the United States agreed to pay $15,000,000 to Mexico, and to assume debts of Mexico to citizens of the United States, not to exceed $3,250,000. The treaty contained twenty-three articles, all of which were liberal. The area of the ceded territory was 522,568 square miles. (Donaldson's Public Domain, p. 136.)

A little later the Gadsden Purchase was added to the previously acquired territory. The cession of this territory was a corollary to the cessions of Mexico, and was made for the benefit of American settlers along the rich Mesilla valley and the Gila river, and to afford a better line for the southern boundary. It was signed by James Gadsden, on the part of the United States, and Manuel Diaz de Bonilla, Jose Salazar Ylarregui, and J. Mariana Monterde, on the part of Mexico. It was concluded December 30, 1853, and was ratified and promulgated June 30, 1854. The ceded territory cost $10,000,000, and contains about 45,535 square miles. It is the smallest of the acquisitions. The treaty by which it was acquired was signed in ratification by President Franklin Pierce, of New Hampshire, being the only instance in which the ratification of any treaty for the acquisition of foreign territory was signed by a president residing north of Mason and Dixon's line. But Franklin Pierce was the representative of the party which had always favored expansion.

Thus the total cost of the Mexican cessions was, exclusive of interest, about $28,000,000, for 568,103 square miles of land, not including Texas, which con-

tained 274,356 square miles, and which was annexed to the United States previous to the war. Louisiana contained 1,182,752 square miles, and cost, exclusive of interest, $18,738,268.98. Those who accuse the United States of rapacity and robbery may find it difficult to explain, in accordance with their theories, why the United States paid prostrate Mexico at the rate of $49.29 per square mile for land not so valuable as that for which she paid the great Napoleon at the rate of $15.85 per square mile.

The same political party which had successfully advocated territorial extension in a southern direction, now manifested an equal zeal in the extension of territory toward the north. Heretofore, expansion had been possible only to the west and south. Of the acquired territory the larger part was north of the line 36° 30′. Even if this line should be extended to the Pacific, it would avail the South nothing. She was not in condition to compete with the North in territorial settlement. The acquisitions from Mexico, except Texas, were really injurious to her sectional interests. Yet, during the campaign of 1844, one of the party cries had been "Fifty-four forty or fight."

Previous to this political campaign very little popular interest had been manifested in the affairs of Oregon. The claims founded on Captain Gray's discovery in 1792 were allowed to sleep. Yet, even before Captain Gray's discovery, the Columbia river had appeared to the mental vision of Thomas Jefferson. When minister to France, being convinced by the profound reasoning of his own mind that there must be a great river to convey the waters from the western slope of the Rocky mountains to the Pacific ocean, he persuaded Mr. Ledyard, the famous traveler, to undertake an expedition to cross the ocean from Russia, and to locate the great western river. A comic play represents the Spanish Queen as ordering Columbus to cross the Atlantic and discover America,

but there was philosophy and not comedy in the instructions which Jefferson gave to Ledyard to discover the Columbia river. The expedition was prevented by the jealousy of Russia. Mr. Ledyard was arrested in Siberia and forced to abandon the project. Thus Jefferson's mental vision remained unverified by physical demonstration until the discovery by Captain Gray.

No effort was made to utilize this discovery until after the cession of Louisiana. Seizing the opportunity to recur to plans long before cherished, Jefferson organized the expedition of Lewis and Clark in 1804. Their explorations were valuable in supporting the claims of the United States, and in blazing the track for the coming pioneers. In 1811 the settlement of Astoria strengthened the American claims and stimulated immigration. In 1818 the United States and Great Britain entered into a treaty for the joint occupation of an indefinite territory to which Spain and Russia still held undefined claims. This joint occupation was to last for ten years. In 1821 the title of the United States was greatly strengthened by the cession of "all rights, claims and pretensions" of Spain, whose claims were the most ancient, extending back to the voyages of Caprillo in 1543. The northern boundary was indefinite, and Great Britain and Russia had claims likewise indefinite. Russia having withdrawn her claims in 1824 to all territory south of 54° 40′, the United States and Great Britain were left as the only claimants to the territory between 42° and 54° 40′.

In 1827 the joint occupancy was continued by agreement, to be terminated upon one year's notice by either party. The matter continued to appear before Congress in various forms, and at different times, and became a subject of diplomatic negotiations with England, but without result until public attention was attracted by the emigration of 1842, and public sentiment was aroused by the presidential canvass of 1844. In this canvass the generous spirit of the South and West, and their sincerity

in advocating the general policy of territorial expansion, were clearly demonstrated. Although self-protection demanded increase of territory toward the South, and sectional interests would seem to render the Slave States the natural enemy of northern extension, yet they were true to the impulses of patriotism. They rose superior to sectional considerations, and were zealous to uphold the honor of the nation, and to defend the title to northern territory.

While fighting the battles of Texas with Mexico, they were ready to fight Great Britain to enforce the title of the United States to Oregon. In this movement Missouri was, perhaps, the most active and ardent factor, and she was warmly sustained by the South and West. The advance guard moved promptly to the front. This advance guard was the same indomitable, picturesque, unique corps of patriots who had won so many victories —the conquerors of the wilderness—the American pioneers. The great event of planting the American flag permanently on the Pacific ocean, says Mr. Benton, "was not the act of the government, leading the people and protecting them, but like all the other great emigrations and settlements of that race on our continent, it was an act of the people, going forward without government aid or countenance, establishing their possession and compelling the government to follow with its shield and spread it over them." This movement of immigration to Oregon began in 1842, and was greatly increased in 1843. It was the moving cause of the party zeal in the presidential election of 1844.

President Polk came into office March 4, 1845, pledged to assert the American claim to the exclusive possession of Oregon, even if its enforcement should involve war with Great Britain. The matter was speedily brought to the attention of Congress and was made the subject of diplomatic negotiation. From 1820, when Dr. Floyd, of Virginia, had introduced a bill in Congress relative to

Oregon, to 1843, when the bill of Mr. Linn passed the Senate, the action of Congress had been inefficient, and the diplomatic negotiations had been puerile. But now the people had spoken in no uncertain tones, and decisive action, backed by resolute purpose, was demanded.

The face of affairs began to wear a new aspect. A joint resolution of notice to Great Britain to terminate the joint occupation at the end of one year, passed the House by a test vote of 154 to 54, and after amendment, passed the Senate by a vote of 40 to 14, and was finally adopted April 23, 1846. (Benton's Thirty Years, vol. 2, p. 673.) Diplomatic negotiations, also, progressed rapidly. June 6, Sir Richard Pakenham, the British minister at Washington, submitted a draft of a treaty to which Great Britain was willing to agree, making the parallel of 49° the northern boundary of Oregon; thus compromising the question at issue by dividing the territory between the two nations. This compromise seemed the natural and equitable result of the controversy. It continued to the Pacific ocean the long line which separated the possessions of the two nations, and gave to each the territory which seemed to belong to it geographically.

President Polk, however, was pledged by his party platform to assert claim to the entire country. While his judgment approved the compromise, he thought it honorable, as far as possible, to consult the wishes of the country. He, therefore, availed himself of the unused constitutional privilege of asking the advice of the Senate. He laid the proposed treaty before them June 10, in a message, requesting advice and stating: "Should the Senate, however, decline by such constitutional majority to give such advice, or to express an opinion on the subject, I shall consider it my duty to reject the offer." The Senate, June 12th, on motion of Mr. Haywood, of North Carolina, by a vote of 38 to 12, passed a resolution, advising the acceptance of the British offer.

It only remained to complete the formalities of diplomacy. June 15, the treaty was signed by James Buchanan on the part of the United States, and Richard Pakenham on the part of Great Britain. It was laid before the Senate for ratification June 16th and was ratified June 18th. Ratifications were exchanged at London, July 17th, and the President, in a message to Congress, August 5th, communicated the exchange of ratifications and recommended "the organization of a territorial government for Oregon." (See Benton's Abridgment, vol. 15, pp. 652, 653, 641.)

The several measures proposed for the government of Oregon and the territories formed from the Mexican cessions of 1848, and for the further admission of States, aroused anew the slavery agitation, and provoked the "irrepressible conflict." These questions, leading to the Confederate War, are discussed in another chapter of this work. Our investigation terminates with the acquisition of the territory.*

No argument is needed to show that the South was the leading factor in the acquisition of Texas, in the Mexican War, in the cessions from Mexico, in securing from Spain the cession of her claims to Oregon, and in the final settlement of the Oregon question with Great Britain. In all this great work, the co-operation of the West was cordial and active. Even that portion of the

(* The works mentioned below will be interesting and instructive to the reader, but are not intended to include an exhaustive bibliography of this period. Benton's Thirty Years' View treats at large the several subjects connected with Texas, the Mexican War and Oregon. Schouler's History of the United States, vols. 3, 4, treats the same subjects at large, and with great ability, but strong sectional bias. Narrative and Critical History of America is an invaluable work, Vol. 7 contains a clear and succinct treatment of the "Territorial Acquisitions and Divisions." The notes to this article (Appendix 1, p. 527, *et seq.*) furnish a valuable bibliography on the subject. Barrow's Oregon (American Commonwealth Series) is an able and instructive work. Benton's Abridgment of the Debates in Congress places these debates in convenient form for reference. Vols. 15 and 16 cover the period under discussion. Donaldson's Public Domain supplies compendious statements of legislative acts, quotes treaties and ordinances, etc., and gives statistics.)

territorial expansion. The thirteen original States had existed as separate and independent sovereignties before the completion of the general government, and their people had not forgotten that they were the makers of the Constitution and of the United States. The new States, however, had been severally carved out of Federal territory, had been nurtured under the paternal colonial policy of the United States, and had received statehood as a gift from Congress. The people of these created States, therefore, looked to the general government as the source of power and the creator of States. Thus, the theory of "consolidated government," aided by the progress of the slavery agitation, ignoring the testimony of history and the deductions of logic, grew as a national sentiment.

In 1861, the Southern people realized that their equality in the Union was lost, that their domestic institutions were threatened, that the construction of the Constitution on which they relied for protection was overthrown. The alternative was presented of secession from the Union, or a precarious dependence on the justice and forbearance of the hostile party about to assume the reins of government, with every prospect of permanent control. The South chose the first alternative. Then came the great American tragedy—secession—coercion—war—emancipation—reconstruction.

It does not pertain to the purpose of this chapter to discuss either the causes or the conduct or the consequences of the Civil war. It was certainly not undertaken for foreign conquest; yet, it was followed by the uniform result of all our wars—the acquisition of foreign territory. It was concluded in 1865, and was followed in 1867 by the acquisition of Alaska.

Shall we assign to the chronological sequence between the war of 1861–65 and the acquisition of Alaska the logical relation of cause and effect? It was certainly not an accidental coincidence. The acquisition of Alaska was

not altogether a new idea. Negotiations for ceding it to the United States were begun at the instance of Russia in 1854, during the Crimean war, and in the administration of President Pierce. They were renewed by the United States during President Buchanan's administration, but were then declined by Russia. In 1867 negotiations were renewed between Secretary of State William H. Seward, and Baron Edouard Stoeckl, minister of Russia, which resulted in the cession of Alaska by the treaty made at Washington, March 30, 1867, which was ratified and proclaimed on the 20th day of June following.

Russia had long evinced the purpose of curbing the territorial acquisitions of Great Britain. Alaska was not useful as a possession, and any hope that Russia may have ever entertained of acquiring valuable American possessions was frustrated by the Monroe doctrine. Alaska had been retained for many years only to keep it from the grasp of Great Britain. The wonderful power displayed in the Confederate war had the effect of allaying any apprehension which Russia may have entertained that the cession of Alaska to the United States might result in its ultimate acquisition by her rival, Great Britain. The cordial relations established between Russia and the United States during the progress of the Confederate war also contributed to the same result, and inclined Russia to entertain views similar to those expressed by Napoleon after the cession of Louisiana.

The peculiar relations of the European powers to each other made this war, like all our other wars, the cause and occasion of the cession of territory. Great Britain, France and Austria seized upon the American war as the opportune time to establish the monarchy of Maximilian upon "the ruins of the Mexican republic." In pursuance of this policy it was suspected by the United States that these powers would acknowledge the independence of the Confederate States and would form an

alliance for the purpose of breaking the blockade of the Confederate coast and of supporting Maximilian.

At this point Russia sent a large naval force to winter in American waters. The presence of this Russian fleet in American harbors was a menace to the European powers and perhaps defeated the combination. Great Britain and Spain withdrew their support and the empire of Maximilian remained under the protection of France. The close of the Confederate war left the United States free to act. France withdrew her troops and Maximilian was left to his fate.

Those who controlled the policy of the United States at this critical juncture, believed that the timely interposition of Russia had averted a serious danger. Says a distinguished participant in the affairs of this period: "Russia was our friend and the only friend we had among the great nations of Europe during the War of the Rebellion.

"When Great Britain, France and Austria confederated for the purpose of establishing a monarchy in Mexico on the ruins of the Mexican republic, and as subsidiary thereto had secured, as was believed, the consent of the so-called 'Confederate States of America,' on condition that their independence as a nation should be speedily acknowledged by the great powers, who were being urgently pressed for concurrence by these triumvir States, Russia not only refused to sanction our humiliation, but promptly, and, as it were, in the 'nick of time,' sent part of her great navy to winter in our harbors, which resulted in the decisive defeat of this adverse diplomacy, a result most gratifying to our government; achieved by the expenditure of large sums of money for the maintenance of her navy in foreign waters in excess of what would have been needed at their home stations.

"Russia may have had, and probably did have, other reasons for this naval campaign than a simple manifestation of friendship for the United States, but the benefit

derived by us was the same as if done solely on our account.

"It was, therefore, natural that our government should feel a desire to return, in some inoffensive method, to our benefactor at least the pecuniary cost of the benefaction. The cession of Alaska furnished this opportunity. Russia possessed almost boundless tracts of this sort of uninhabited (if not uninhabitable) territory in the north of Europe and Asia; she could spare Alaska without inconvenience, and probably needed ready money; and the United States may have seen some possible future advantage in becoming the owner of the territory lying north of British Columbia and stretching northwest to the Straits of Bering, and accepted the cession at the price named without reference to the commercial value of the territory acquired. In fact, its intrinsic commercial value was hardly alluded to during the discussion of the treaty in the Senate.

"It is not probable that any formal treaty or bargain, express or implied, was ever made between the United States and Russia on this subject, * * * that is not the way in which great nations manifest and reciprocate sentiments of friendly regard for each other. To presuppose that Russia had to be bargained with and promised remuneration for the moral support of her navy, would have robbed this friendly act of its imperial grandeur." (From MSS. letter of Hon. James Harlan—with consent to use.)

The above quotation clearly sets forth the connection between the Civil war and the acquisition of Alaska. This acquisition, then, followed the remarkable general law of American territorial expansion. It was the corollary of a great war, and it came to the United States as a result of the peculiar complication of European affairs. In one respect it differed from the other acquisitions; it was the only acquisition in which the South was not the leading factor. The South was then powerless, and if

not hostile, certainly not influential in national affairs. The foundation was laid by President Lincoln and his advisers in the conduct of the war and the foreign policy of the United States. The consummation was effected by the diplomacy of Secretary William H. Seward. Yet, by a remarkable coincidence, when the treaty came to be approved, it bore the signature of a Southern president —Andrew Johnson.

CONCLUSION.

Whatever criticisms or eulogies, just or unjust, patriotic or partisan, may be pronounced upon the actors or the agents in our several wars and acquisitions of territory, all must recognize the hand of destiny which led America through the several steps of development to her present sublime position among the nations of the world. None can deny, perhaps none will wish to deny, that the corner stone in the foundation of the greatness of our country is its wide extent of territory. Beginning with the sparse settlements stretched along the Atlantic coast, the thirteen original States, born in revolution, and unwilling to surrender their separate existence, were drawn together by a wonderful law of attraction. They founded a government of which the vital principle was compromise. This principle, not deduced from the formulas of philosophers, but evolved from the logic of events, and utilized by the practical common sense of the American people, has demonstrated itself to be the true principle of free government.

The Union, thus constructed, owed its marvelous development, and the catholicity of its institutions, to the compromise of the varied interests and diverse sentiments of its constituent sections. The people of this self-made nation have cause to rejoice that the United States was built by many factors, each of which has performed a distinctive, honorable, and necessary part in its

upbuilding. History, while dwelling with admiration on the grand result, the joint work as well as the joint heritage of all, should accord to each factor the appropriate meed of praise.

To the South belongs the award of being the leading factor in territorial expansion. Beginning with the sacrifice of any plans they may have formed for State aggrandizement, the Southern States surrendered their extensive western possessions to the general government. Advocating the policy of expansion at each stage of growth, overcoming the obstacles of sectional opposition and foreign diplomacy, persistently and successfully the South has forced the United States to all its acquisitions of territory, except Alaska.

At this day, few persons will be found to dispute the wisdom or the justice of this policy.

Sending forth its missionary pioneers to win the wilderness, the great Republic, following their footsteps, received the adopted territories, reared them into statehood under the nurture of its beneficent institutions, and protects them with the shield of a nation whose boundaries have never receded.

NOTE. The foregoing chapter was completed by the author and delivered to the publishers more than a year before the beginning of the Spanish war of 1898. It is limited to the discussion of the South as a factor in the territorial growth of the United States from the formation of the Union to the end of the Confederate war, and therefore closes with the acquisition of Alaska as a corollary of that war. All events subsequent to that period pertain to another chapter.

The Spanish war, accompanied by the acquisition of Hawaii, Puerto Rico, the Philippines, and the liberation of Cuba, will not, therefore, be discussed here. It is, however, proper to note:

1. The Spanish war has been attended by the uniform result of all our wars—the acquisition of foreign territory.

2. The period of 31 years, from the acquisition of Alaska in 1867 to the acquisition of Hawaii in 1898, is the longest period between

the acquisitions of foreign territory in the history of the United States, as will appear from the following:

	Date.	Period.
Final Treaty of Paris	1783	
Acquisition of Louisiana	1803	20 years
Acquisition of Florida and Oregon	1821	18 years
Acquisition of Texas	1845	24 years
Acquisition of Mexican Cessions	1848	3 years
Acquisition of Gadsden Purchase	1853	5 years
Acquisition of Alaska	1867	14 years
Acquisition of Hawaii, etc	1898	31 years
Total		115 years

3. The Spanish war differs from all our wars, since the Revolution, in its inception and in its effects. All our other wars have been conceived in sectional policy, and have produced the effect of alienating the sections. The Spanish war was inspired by the spontaneous outburst of patriotism of a reunited people. No voice of sectional strife was heard, and no sectional advantage was sought. Its effects have been happy in restoring confidence and cordiality between the sections.

4. The acquisitions of 1898 mark the adoption by all sections of the beneficent policy of expansion so early instituted and so persistently pursued by the South, and at one time so violently opposed by other sections. The great object lesson has been learned. The success of our territorial policy, the prosperity and grandeur which our acquired territory has brought to the United States, have demonstrated the wisdom of the policy of expansion, and have allayed all apprehensions founded upon sectional jealousy. Whatever opposition is now offered is free from sectional rancor and is based on broad, national grounds.

5. The Spanish war has furnished to the people of the South the opportunity to demonstrate to all the other sections, and to the world, that they have always loved the Union as it was established by their fathers, and that they are as ready now to fight its battles as their fathers were in the early days of its history, when Southern influence dominated its policy, and Southern men directed its destinies and expanded its territory.

CLEMENT A. EVANS

THE CIVIL HISTORY OF THE CONFEDERATE STATES

BY

BRIG.-GEN. CLEMENT A. EVANS.

CHAPTER I.

NORTH AND SOUTH.

THE SETTLEMENT OF 1850 — PREVIOUS SECTIONAL QUESTIONS—ORIGIN OF THE TERMS NORTH AND SOUTH—EXTENT OF "OLD SOUTH"—SECTIONAL RIVALRIES—SLAVE-HOLDING NEARLY UNIVERSAL —OBJECTED TO BY THE SOUTH AND INSISTED ON BY THE SLAVE TRADERS—"PROFIT AND LOSS," AND NOT CONSCIENCE—CAUSES WHICH NECESSITATE THE CONFEDERATE STATES.

THE political history of the Confederate States of America somewhat distinctly begins in 1850 with "the Settlement" of sectional agitation by the Compromise measures of that year, enacted by the Congress of the United States, approved by the President, confirmed by decisions of the Supreme court, endorsed in resolutions, political platforms and general elections by the people. The "Settlement" thus solemnly ordained by and among the States composing the Union, became equal in moral and political force, to any part of the Constitution of the United States. Its general object was to carry out the preamble to the Constitution, viz.: "We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." Its avowed special object was to settle forever all the disturbing, sectional agitations concerning slave labor, so as to leave that question where the Constitution had placed it, subject to the operation of humanity, moral law,

economic law, natural law and the laws of the States. Its patriotic purpose was to eliminate sectionalism from the politics of the whole country.

Grave questions of sectional nature had arisen during the colonial period on which the colonies North and the colonies South divided by their respective sections. The original division of the British territorial possessions on the American continent into the geographical designations, *North* and *South*, occurred historically in the grants made by King James, 1606; the first to the London Company of the territory south of the 38th degree north latitude, and the other to the Plymouth Colony of the territory north of the 41st degree north latitude. Both grants extended westward to an indefinite boundary. The Plymouth Settlement afterward subdued the Dutch possessions lying to the south, thus including that territory in the general term North. The settlements of Delaware and Maryland covered the areas lying north of Virginia and they were embraced in the section termed South. The general line of division, somewhat indistinct, lay between the 38th and the 39th degrees north latitude. The Mason and Dixon line—39° 43′ 26″—was established by subsequent surveys and was designed to settle certain boundary disputes. In the eighteenth century the original partition of King James was changed by various grants and the English possessions were also extended far down the Atlantic coast by grants of the Carolinas and Georgia. The original "Old South" extended by all these grants along the Atlantic shore from the south line of Georgia to the north of Delaware, and westward from that wide ocean front certainly to the French possessions on the Mississippi river, including the territory of Virginia in the northwest and embracing a vast area of the best part of America; but by proper construction of these and other original charters which made the western limit "the South sea," meaning the Pacific ocean, the vast domain of the Old South embraced also

all Texas and much of the territory acquired from Mexico.

The rivalry of the colonies included in these two sections in their struggle for population, commerce, wealth and general influence in American affairs, arose early and continued during the century preceding the American Revolution, each section becoming accustomed to a geographical and sectional grouping of colonies and each striving to advance its own local interests. Thus the colonies of both sections grew robustly as separate organizations into the idea of free statehood, but at the same time fostered the dangerous jealousies of sections. The sectional spirit grew alongside the development of colonial statehood. The colonies north became a group of Northern States, and the colonies south a group of Southern States.

The conflict with Great Britain, which had been long impending, brought the sections together in a common cause as against the external enemy, but the achievement of the independence of the several colonies was accompanied by the quick return of the old antagonism which had previously divided them into geographic sections. The loose Union, which had been created pending the Revolutionary war, through Articles of Confederation, was found inefficient to control or even to direct the irrepressible conflict of opposing or emulating interests. Hence the Constitution of the United States was substituted for the Articles of Confederation and "a more perfect Union" was ordained, expressly to prevent or at least to modify sectional conflicts by the constitutional pledge to promote domestic tranquillity and provide for the general welfare.

During all these struggles of the colonies among themselves, caused by commercial rivalries, the slavery of any part of the population was not the cause of dangerous disagreement anywhere. The British colonies were all slave-holding. Negroes were bought and sold in Bos-

ton and New York as well as in Richmond or Savannah. The Declaration of Independence, written by Jefferson, who was opposed to slavery, and concurred in by the committee of which Adams, Sherman, Livingston and Franklin, all Northern men, were members, made no declaration against slavery and no allusion to it, except to charge the King of Great Britain with the crime of exciting domestic insurrection. In framing the Constitution all sectional differences, including the subject of slavery, were compromised. "The compromises on the slavery question inserted in the Constitution were," as Mr. Blaine correctly remarks, "among the essential conditions upon which the Federal government was organized." (Twenty Years, vol. 1, p. 1.)

Sectional conflicts, subsequent to the formation of the Constitution from which the Union resulted, were also mainly caused by similar commercial rivalries and ambitions for political advantage. The maintenance of the political equilibrium between the North and the South occupied at all times the anxious thought of patriotic statesmen. In the contests which threatened this equality slavery was not the only nor at first the main disturbing cause. It was not the question in the war of 1812 upon which the States were divided into sections North and South, nor in the purchase of Louisiana Territory, as the debates show; the real ground of opposition being the fear that this vast territory would transfer political power southward, which was evidenced by Josiah Quincy's vehement declaration of his "alarm that six States might grow up beyond the Mississippi." Nor was the acquisition of Florida advocated or opposed because of slavery. The tariff issue, out of which the nullification idea arose, was decidedly on a question of just procedure in raising revenue, and not on slavery. The question was made suddenly and lamentably prominent in the application of Missouri to be admitted into the Union, but the agitation which then threatened the peace of the

country was quelled by the agreement upon the dividing line of 36° 30′. "The Missouri question marked a distinct era in the political thought of the country, and made a profound impression on the minds of patriotic men. Suddenly, without warning, the North and the South found themselves arrayed against each other in violent and absorbing conflict." The annexation of Texas was urged because it increased the area of the Union, and was opposed because its addition to the States gave preponderance to the South.

Thus it is seen that the early sectional rivalries had no vital connection with slavery, and it will appear that its extinction will not of itself extinguish the fires that have so long burned between North and South. The great American conflict began through a geographical division of America made by the cupidity of an English king. It was continued for financial, economic, commercial and political reasons. A false idea of duality—a North and South—in the United States has been deeply rooted in the American mind.

To understand the causes which produced the Confederate States of America, all the various incidents which successively agitated the fears of either section that the other would gain an advantage, must be held steadily in view. This sectional ambition to secure and maintain the preponderance of political power operated through various incidents in colonial times, then in those which attended the formation of the Constitution, also in subsequent incidents—such as the location of the capital; the appropriations of money for internal improvements; the war of 1812; the acquisition of Southern territory; the tariff issue and the distribution of government offices and patronage. One after another of these controversies subsiding, a period approached when slavery itself became the main incident of this long-continued sectional rivalry. Slavery, on coming so conspicuously into notice as to be the main ground of contention between North

and South, was, therefore, regarded as the chief distraction to be removed by the settlement effected in 1850.

Briefly stating the case in 1850, let it be considered that the old sectional differences on account of commercial rivalry and political supremacy had at length become hostilities, which for the first time seriously threatened the Union of the States. Let it also be understood that the agitation which immediately preceded the settlement of 1850 was caused directly by differences of views as to the proper disposition of the national institution of slavery.

The statesmen of 1850 knew the following facts: The United States had indorsed the existence of slavery and authorized the importation of enslaved Africans; the colonies, separately acting previous to their Union, had established the institution in their labor systems. The European governments which held paramount authority over the colonies had originated it. The chiefs of African tribes enforced it by their wars, and profited by it in the sale of their captives to foreigners. The world at large practiced it in some form. Thus the African kings, the governments of Europe and America, the ship owners, slave traders, speculators and pioneers of the New World conspired to initiate a wrong, from which a retribution at length followed, in which the innocent slave with his last Southern owner suffered more than all the guilty parties who had profited by his bondage.

The hardy and adventurous settlers in the American colonies permitted themselves after occasional protests, such as occurred in Virginia, and afterward in Georgia, to be seduced into the buying of negroes from the artful and avaricious slave traders of England, Holland and New England. The importations, however, were few, because the European possessions in the semi-tropics were the first takers of this species of property. Tidings of the evils of the system in its barbarous stages, and stories all too true of the horrors of the middle passage aboard

the ships of the inhuman slave importers, made the colonies reluctant to engage in the traffic. Nevertheless, the colonies experimented with this form of labor, Massachusetts beginning in 1638 and South Carolina thirty-three years later, and the conclusion was reached before the close of the eighteenth century that the slavery system of labor could be made useful in some latitudes, but could not be made profitable in all sections of America. Therefore, Massachusetts, following a Canadian precedent, abolished slavery after being a slave holding State over a hundred years, and soon after the American Revolution several States in the higher latitudes, all included in the old *North Section* of the original Plymouth colony, adopted the same policy.

But it will be observed that generally this Northern abolition was to take effect after lapse of time, and thus notice was given to the owners sufficient to enable them, if so disposed, to sell their property to purchasers living farther South who still found such labor remunerative. Some availed themselves of this privilege and converted their slaves into other more productive property. Some were conscientious or were attached to their negroes and, therefore, cheerfully gave them freedom. Others were philanthropic enough to keep the old and infirm, who on reaching liberation would be cared for by the State, only selling the young and the strong for a good price. Through these sales and the continuance of the slave trade, both foreign and domestic, the people in the Southern States were induced to invest their money largely in negroes, thus greatly increasing the population of that class within the boundaries of those States.

In all these changes of the labor system—this abolishing of slavery in several States—the moral side of the question does not appear to have had the uppermost consideration. The moral question certainly did have influence in Massachusetts and to some extent in other States; but the main reason for this early emancipation

was the commercial and social disadvantages of slavery. As the South is said to have been awakened to the immorality and the blighting hindrances of slavery to its prosperity, after emancipation was enforced by armies, so the North saw the same immorality and general hurt to the Union only after proofs of the unprofitableness of the institution to that section. Both sections abolished slavery under duress—one under duress of unprofitableness, the other *vi et armis.*

The law of profit and loss controlled the origin and extension of slavery; sectional rivalries seized upon it as an incident in the strife for supremacy; political party purpose at length found it to be an available means to partisan successes, and the moral side of it shone forth upon the whole nation only after a bloody war between the old sections. Eyes were opened by the shock of battle. The moral sense stood godfather to "military necessity."

At the organization of the United States, slave-holding was legal everywhere in the Union except in Massachusetts, because at that time it bore some profit everywhere. It is a suggestion of Mr. Greeley in his American Conflict "that the importation of Africans in slave ships profited New England;" the labor of the slaves thus imported at a profit was valuable to their owners who bought them from the slave traders, and also to the manufacturers and sellers of the products of their toil. Trading in human flesh was, therefore, insisted on as a proper business demanding constitutional enforcement for twenty years. The following States voted for the continuance of the slave trade for twenty years until 1808: New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina and Georgia. The following voted nay: New Jersey, Pennsylvania, Delaware and Virginia.

Slave labor, therefore, must be treated historically as

an institution sustained by the Constitution of the United States; the domestic trade in slaves, as a business sanctioned by that august instrument; and the foreign slave trade—to which the chief ignominy of the institution attaches—as a traffic expressly protected against the wishes of the majority of the States holding slaves. Each State was left by the Constitution with full power to dispose of the institution as it might choose, and the territory acquired as common property was open to settlement by slave-holders with their property. The African bondsman was classed as property by United States law. He was property to be acquired, held, sold, delivered on bills of sale which evidenced title. He could be bequeathed, donated, sold as part of an estate, or for debt, like any other property. The Federal and State governments derived revenue from his labor. For over a century the Southern States were encouraged to invest in him and his race as property. Not one government, European, Asian or African, declared against the enslavement of the negro by the United States; and not one State among those which had fought together to gain a common independence of England refused to enter the Union on account of the constitutional recognition and encouragement of the institution. If there be any wrong in all their action, the South was not more responsible for it than their Northern associates in what has been called the great crime of the United States.

The evils of slavery, its wrong of any character, moral or political, were the result of an international co-operative action, and of an agreement among the States of the Union, the original motive of which was the cupidity of powerful African tribes and Caucasian slave dealers with the subsequent motive of profit and loss to the buyer. Such being its historical origin, it will be seen that the subsequent effort to destroy it was not mainly moral but partisan, and that the blow which struck it down fell on the lawful holders of inherited property, and was struck

by the people of the Old World and the New, whose ancestors first inflicted the great wrong against humanity.

The labor of the negro being more profitable in the mild climate, and on the more fertile and cheaper land of the South, his transference from the bleaker clime and less generous as well as higher priced soil of New England became commercially inevitable. The negro became unsalable where he was at first enslaved. He brought a good price south of 36° 30′, and hence by the course of interstate commerce many thousands (not all, but thousands) of this class of national property changed owners as well as States, the original masters taking the purchase money to reinvest in land, merchandise, factories, stocks and bonds or other prudent ventures, while the new master invested in the coerced labor which cut down his forests and tilled his soil, holding the laborer "bound to service" under the laws of his State made pursuant to the Constitution of the United States.

The same commercial considerations which induced the enslavement of the unfortunate African caused his sale and removal from those sections of the Union where his enslavement was found to be unprofitable and his presence at least a social inconvenience. Accordingly the steady deportation of the race southward began during the close of the eighteenth century and was accelerated through the early years of the nineteenth century. The slave market was opened in the city of Washington and other Southern cities. Traders bought in Northern markets and sold for profit in the Southern. The domestic slave trade was thus inaugurated to compete with the African slave trade then in full blast and which could not be suppressed by any Southern State until the year 1808. Now and then a Southern State endeavored to hinder the infamous traffic, but the ship owners and slave traders were shielded by the supreme law of the land. The United States government was meanwhile entitled to revenue at the rate of $10 for each imported

African. All the powers of the Union were put in operation to induce the people of the Southern States to invest their capital in this species of property. From this review of the slavery evil, it appears that the States in the South cannot be charged with the responsibility of its introduction, nor for the continuance of the slave trade, nor for the extension of it by the increase of negro population in the South, nor for the agitations which on this account disturbed the harmony of the sections, nor for the bloody mode adopted for its extinction.

Jefferson Davis said: "War was not necessary to the abolition of slavery. Years before the agitation began at the North and the menacing acts to the institution, there was a growing feeling all over the South for its abolition. But the abolitionists of the North, both by publications and speech, cemented the South and crushed the feeling in favor of emancipation. Slavery could have been blotted out without the sacrifice of brave men and without the strain which revolution always makes upon established forms of government. I see it stated that I uttered the sentiment, or indorsed it, that 'slavery is the corner stone of the Confederacy.' That is not my utterance." "It is not conceivable," said General Stephen D. Lee, in 1897, "that the statesmen of the Union were incompetent to dispose of slavery without war."

It will become clear to any who will conservatively reflect on the conditions existing at the beginning of the present century, that if the opposition to slavery had been firmly based on the principle that it was a violation of the first law of human brotherhood, and also on its breach of the economic principle that enforced labor should not compete with the labor of the free citizen—if the appeal for its discontinuance had been made to the public conscience and the private sense of right, and the just claims of honest free labor, the institution would have passed away in less than a generation from the date of the Declaration of Independence. Had all the New

England States, with all other Northern slave-holding States, in 1776 (following the course of Massachusetts) abolished slavery without the sale of a single slave; had the slave trade been discontinued as the Southern States (except Georgia and South Carolina) desired; had the views of Virginia, Kentucky and North Carolina been fostered and made effective by Northern hearty co-operation, it is entirely reasonable to believe that the freedom of all the slaves would have been rapidly secured.

An emancipation measure was proposed in the Virginia Legislature as late as 1832 and discussed. The general course of the debate shows a readiness in that day to give freedom to negroes, and was of such strength that a motion to postpone with a view to ascertain the wishes of the people was carried by a vote of 65 to 58. In Delaware, Maryland and Kentucky legislation leading to emancipation had already been under consideration. North Carolina and Tennessee contained large populations of whites averse to slavery, and no doubt exists as to the action of those States at any time during the first years of the century. The Louisiana and Florida purchase and the Texas annexation having not yet taken place, and nearly the entire West and Southwest being a wild, the question of emancipation with moderate compensation would have easily prevailed through the South. The barrier in the beginning was the profitable sale of the slaves from Northern States, and from the slave trade carried on in the ships of foreign nations and New England, and the commercial advantage of the trade in the products of slave labor.

The interests of all Southern States except South Carolina, Georgia, Alabama, Mississippi and Louisiana, only thirty years prior to the election of Lincoln, lay on the side of emancipation. The first named States were alone dependent for their development on the labor of the slave, and even in those States only their southern areas demanded slave labor. The northern parts of these

five States were even then better adapted to free white labor. In the light of the years which close this century, it is seen that no part of the South was dependent on slave labor, and that such supposed dependence was imaginary, not real. Therefore, it may be fairly inferred from the sentiment of the South in the beginning of this century, from the conditions of labor and commerce then existing, from the political considerations then at work, the South, in the first years of this century, would have begun the emancipation of its slaves upon a plan of compensation to the owner, justice to the negro and safety to society, had not the interests of other sections demanded the continuance of the domestic and foreign trade in man.

The period of twenty years granted by the Constitution for the continuance of the slave trade, was occupied actively in the importation of Africans throughout the Atlantic Southern States. During the same period the invention of the cotton gin increased vastly the commercial value of negro labor, not only to the producer, but most of all to the shipper and manufacturer of cotton. As a consequence, "the prosperity and commercial importance of a half dozen rising communities, the industrial and social order of a growing empire, the greatest manufacturing interest of manufacturing England, a vast capital, the daily bread of hundreds of thousands of free artisans, rested on American slavery." This new condition occurred at the period when the South was protesting against the African slave trade, and was exhibiting an increasing willingness to continue the emancipation movement, which had previously extended southward as far as Delaware, and had induced Virginia to include the anti-slavery clause in its great cession of Northwestern Territory. But the outlook of the cotton trade and the immense business arising from the increased production and manufacture of the staple were so beneficial to vast numbers in England and the United

States, that the emancipation sentiment died down under the pressure of commercial considerations not only in the Cotton States, but also in the manufacturing and commercial centers of the world. (Greg's History, 351.) After the year 1808 (cessation of the legalized slave trade) the national increase of the enslaved race exceeded in percentage that of any free people on earth. Freed from care, fed, clothed and sheltered for the sake of their labor, protected from hurtful indulgence and worked with regularity—the physical conditions were all favorable to increase in numbers, stature, longevity and strength. It is clearly just to admit that such an improvement in the race imported from the African wilds undoubtedly proves the humanity with which these captured bondsmen were treated by the people of the United States.

It was this commercial value of the slave to the Southern planters of cane, cotton, rice and tobacco, and to the Northern and European shippers, manufacturers, merchants and operatives—a value caused by the crude, elementary materials of wealth which negro labor produced —a value that grew in great proportions for commerce—a value that began to assume political importance because of the power that it gave the slave-holding States—it was this factor which on the one hand blinded many in all sections to those moral and economic fallacies on which African slavery really rested, and on the other hand finally excited political jealousy and sectional fears of the power which the Southern section might acquire in the control of the Union.

CHAPTER II.

AGITATION AND SETTLEMENT.

FIRST ORGANIZED ATTACK—GARRISON THE ORIGINAL AND ABLE REPRESENTATIVE—POLITICIANS EMBRACE SECTIONALISM—NATIONAL REBUKE AND LOCAL INDORSEMENTS OF THE AGITATORS—THE FIGHT AGAINST THE GREATNESS OF THE UNION BY THE SECTIONALISTS—SECESSION THREATENED—MEXICAN WAR AND ITS RESULTS—SUDDEN AND FIERCE ATTACKS ON SOUTHERN POLICY IN 1849-50—THE SOUTH'S PACIFIC SENTIMENT—UNION IMPERILED BY MEN OF SECTIONAL VIEWS—CLAY AND WEBSTER, DOUGLAS AND DAVIS WORK TOGETHER FOR A NATIONAL SETTLEMENT—THE COMPROMISE OF 1850.

THE first agitation of the slavery question as a ground of controversy, distinctly separated from all other questions, appears immediately after the settlement of the tariff issue between the State of South Carolina and the administration of President Andrew Jackson. It must be observed that this original agitation was professedly and doubtless really based on the moral and humane, not the political aspects of the question. At least this political aspect affected very limited localities. The first organized movement was by the formation of an anti-slavery society in Boston in the year 1832, in which the leader was Mr. William Lloyd Garrison, and of which his newspaper, the Liberator, was the organ. Mr. Garrison must ever be regarded as a sincere extremist whose principal thought regarding slavery was correct, but who was not qualified for leadership in a movement involving such great consequences as the emancipation of millions of slaves. It is sometimes said

that he was ahead of his age, but, in fact, he was more than thirty years behind the spirit of an age when a true leader sustained by the States which first abolished slavery would have secured an influential following in nearly every slave-holding State. His doctrine of the immediate and uncompromising abolition of slavery in the precise period of its agitation by the anti-slavery societies, was declared impracticable by the vast majority of his own people in New England, and he suffered no modification of his plan. He had left the South where he should have remained, and made the vain attempt to revolutionize Northern action by the force of moral suasion. His peaceable moral policy and his submission to the authority of a Constitution which he despised, and to a Union which he derided, are creditable to his conscientious feeling, but his blindness to the powerful hold which slavery had on the New England money power and the general Northern politician is apparent. For about six years, from 1833 to 1839, he was able to hold his followers together compactly organized, although few in numbers, but divisions began to take place, fomented by men who saw no practical result in moral suasion, and whose ambition moved them to take the slavery question into the arena of politics. The Liberty party was accordingly formed by seceders from the Garrison following, and the inflammable question now threw its political shadow before the coming events of American history. His own society retained existence as the center of moral agitation. From 1843 to 1865 he was its earnest and honest president, constantly opposing slavery at every turn, and finally going fully into the bloody war against the South.

In the new turn now given to the agitation of slavery, a class of politicians secured seats in Congress who used their privileges in order to transfer the agitation from the platform, the pulpit and the press, to the great legislative body created by the Constitution. The beginning

of the political aggression was made under cover of the sacred right of petition, secured by a special clause of the Constitution and regarded by the people as an inalienable right which should not be abridged. With this instrument in hand the agitators placed before Congress and the country their views of slavery in an insulting form, accompanied by hinted threats should their petitions be denied. Such petitions began with the preamble, "Whereas, Slavery is an abomination and slave holders accursed before God and man * * * your petitioners respectfully entreat, etc." Calhoun declared that such petitions were libels on himself, his State and his country, and demanded that they should be rejected on account of their insulting terms. Jackson agreed with Calhoun. Congress saw the injustice thus attempted through the exercise of the right of petition and passed a series of resolutions virtually condemning the introduction of petitions of that nature. But the agitators seized upon the popular reverence for the "right of petition," and, denouncing the action of the House as "gagging resolutions," fired New England afresh in opposition to what was called the arrogance of the Slaveholding Oligarchy.

The agitation of the slavery question under the auspices of the anti-slavery societies and the Liberal party met with little favor throughout the North, although it served an end in producing irritation in the South. In 1848 the Free Soil candidate for the presidency polled less than 7,000 votes, and the purposes of the agitators were very bitterly denounced. The annexation of Texas, advocated by Calhoun, opposed by Clay and hesitatingly objected to by Van Buren, was bitterly assailed by the Free Soilers because the acquisition of the Republic would increase largely the area of the slave-holding South. Yet with all the power of this special objection pressed upon the Northern States, the total strength of the fanatics shown in 1844 in thirteen States, all North, was less than 60,000 votes.

The election of Mr. Polk, in 1844, to the presidency, was a decisive verdict of the people in favor of the annexation of Texas, the chief reason of which, as stated by statesmen of the period, probably was that it was wiser to annex Texas and incur war with Mexico than to abandon that rich empire to the control of England. The question of slavery was not so seriously involved as to be the sole reason why the South wanted it, or to override in the North the great considerations of public policy involved in this indispensable addition to the area of the Union.

But, unfortunately, the North began to suspect that all the annexation measures of 1844 were scarcely anything more than a purpose of "the slave power" to acquire territory in order to add more slave States to the Union. "As soon as this impression or suspicion got abroad, the effect was an anti-slavery revival, which enlisted the feelings and influenced the political action of many who had never sympathized with the Abolitionists, and of many who had steadily opposed them." (Blaine, I, 42.) Leading politicians seized on this suspicion and made the most of it for creating public sentiment North against any extension of the territorial limits of the United States in Southern latitudes. Among these were men of great astuteness, such as John Quincy Adams, Seward, Wade, Giddings, Thaddeus Stevens, Hale, Hamlin and Wentworth. Through their exertions political party lines began to break down in the Northern States. Slavery and anti-slavery wings appeared in the two great political parties, Whig and Democratic.

In fact, Southern statesmen were simply striving to maintain the sectional equilibrium which had so long been the policy. With only three States anticipated from the great Northwest, it was the evident expectation of the Southern men who then (1844) had control of the government, that if war with Mexico should ensue, the result would inevitably be the acquisition of suffi-

cient territory to form Slave States south of the line of the Missouri Compromise as rapidly as Free States could be formed north of it, and that in this way "the ancient equality of North and South could be maintained." (Blaine, vol. I, 46–7.)

As soon as it became evident that new territory additional to Texas would be acquired as the result of the Mexican war, the anti-slavery agitation appeared suddenly, August 8, 1846, in a proviso offered by Wilmot to the bill for appropriation of $2,000,000, designed to be used in concluding a peace with Mexico, that "neither slavery nor involuntary servitude shall ever exist therein." "This Wilmot Proviso absorbed the attention of Congress for a longer time than the Missouri Compromise; it produced a wider and deeper excitement in the country and it threatened a more serious danger to the peace and integrity of the Union. The consecration of the territory of the United States to freedom became from that day a rallying cry for every shade of anti-slavery sentiment. If it did not go as far as the Abolitionists, in their extreme and uncompromising faith might demand, it yet took a long step forward and afforded the ground on which the battle of the giants was to be waged and possibly decided." Mr. Webster, who voted for the proviso with evident reluctance, said: "All I can scan is contention, strife, agitation. The future is full of difficulties and full of dangers. We appear to be rushing on headlong and with our eyes all open." After several vicissitudes the Wilmot Proviso was defeated.

In the progress of these sectional discussions in Congress, a noteworthy vote was taken on the motion of Mr. Douglas to insert in the bill to organize a territorial government for Oregon, a clause "that the line of 36° 30′, known as the Missouri Compromise line, approved March 6, 1820, be, and the same is hereby, declared to extend to the Pacific ocean." Mr. Douglas said significantly that "the compromise therein effected is here-

by revived and declared to be of full force and binding for the future organization of territories of the United States in the same sense and with the same understanding with which it was originally adopted." (Cong. Globe.) This proposition to revive the Missouri Compromise so as to make it effective in settling the disputes on slavery by extending the line from ocean to ocean, was resisted in the Senate by 21 Northern senators and defeated in the House by 114 members, every vote except one against the pacific measure being from the Northern States. The record shows the abandonment of the Missouri Compromise on August 12, 1848. "On that day it fell and was buried in the Senate, where it had originated twenty-eight years before, but had never quieted the Abolitionists a day. It fell, too, not by Southern, but by Northern votes. The very State to which it owed its paternity struck the last decisive blow." (A. H. Stephens Hist., I, 173.) The treaty with Mexico was finally made, through which the territory acquired passed to the United States with no specific provisions restrictive of slavery, and was ratified in 1847 by the United States Senate. The brilliant war was concluded with great advantages to the country, fortunately with a temporary check upon the sectional aggressions which had threatened the domestic peace. The presidential canvass of 1848 was conducted upon lines which were drawn to avoid complication with the slavery question. Zachary Taylor became a candidate almost solely on the renown acquired in the recent war and was successful over Cass, who was handicapped by the unfriendliness of Van Buren. For local political reasons solely, the faction of the New York Democracy known as Barnburners, openly revolted and led in an anti-slavery agitation, which soon involved prominent politicians of all parties. The Barnburners, the anti-slavery Whigs and the old Abolitionists co-operated with apparent harmony under the general name of the Free Soil

party. Van Buren was their nominee for the presidency and Charles Francis Adams for the vice-presidency. Seward, Greeley and Thurlow Weed, on account of dislike to Van Buren, the anti-slavery candidate, supported Taylor with such earnestness and skill as to carry New York and thus make Taylor president. Webster took decided ground for Taylor and Clay came also to his support. The contest between Cass and Van Buren finally became in New York, in a very large degree, a struggle between Democratic factions in which the anti-slavery feeling was "an instrumentality to be temporarily used and not a principle to be permanently upheld." This truth, stated by an eminent New England statesman, may be held in mind as evidence that the issues of 1848 did not honestly involve any principle on the slavery question. No moral, or economic, or social principle prevailed, but almost entirely the conflict occurred in New York State, especially on the lower fields of local politics. Van Buren, the nominee of the anti-slavery party, had no moral convictions on slavery. His record was such as to provoke the distrust of the anti-slavery Whigs. The Democrats of New York sustained him because he was the leader of a State faction in their party. The Barnburners against the Hunkers was the real issue, and the prize contended for was not freedom for the slave, but supremacy of a faction in the politics of a State. "Truthful history will hold this to have been the chief object of the struggle with many who vowed allegiance at Buffalo to an anti-slavery creed strong enough to satisfy Joshua R. Giddings and Charles Sumner. With Cass defeated and the Marcy side of the party severely disciplined, the great mass of the Van Buren host of 1848 were ready to disavow their political escapade at Buffalo."

Analysis of the political issues and elections of 1848 clearly discloses the subordination of the great slavery question to the demands of personal antagonisms. Con-

ceding that the question was of the great importance insisted on not two years later and made the basis of a vast political organization scarcely a half decade later, it must appear as singular that it should be so much ignored in this campaign. The suddenness with which this question leaped in several instances into fierce agitation and as suddenly subsided, and the fact that in every instance the excitement arose when a possible advantage in political and commercial power might be gained by the southward side of the Union, betrays the insanity of the agitation and its want of moral and patriotic principle.

The "public policy" outlined by Taylor, the President-elect from the South, in the beginning of the administration, March, 1849, indicated the national conservative spirit. In his cabinet were such Southerners as Reverdy Johnson, John M. Clayton, George W. Crawford and William Ballard Preston. Nothing in the general political canvass of 1848 had indicated any certain early dangerous uprising of the old sectional dispute. A great stretch of new territory, spreading from the Gulf of Mexico northward to an undefined boundary and westward to the Pacific ocean, lay open to occupancy, subject to the operation of the Constitution and the laws regulating the creation of territorial and State governments. Sectional political ascendency might be sought and determined by the settlements effected within this common property by the Union, but if fairly done there could be no complaint. Even if the line of 36° 30′ with its prohibitory principle should be extended to the Pacific ocean, as Southern congressmen had voted for, there would still remain a great territory that could be included within the old Southern section. Above that line the South then proposed to make no effort to introduce the labor of slaves. Below that line which had been agreed on in the Missouri Compromise, the Southern States thought they had, under a compact, the conceded right to employ slave labor until newly formed States should decide upon its

use or disuse. Southern statesmen believed that the prohibition north of 36° 30′ was extra-constitutional, and agreed to it strictly as a compromise in order to abate agitation, cement the Union and leave slavery to work out its own problem. With these views uppermost in mind the elections of 1848 had progressed in favor of a patriotic adjustment of the question of sectional equilibrium. Upon that idea Taylor's administration began.

But a rush for the gold of California in 1848 precipitated a peculiar population into that territory which poured in from the autumn of that year so rapidly as to acquire immediate civil government. These spirited adventurers, determining on political organization of some sort, convened, organized a State government, prohibited slavery by their constitution and prepared to apply for immediate admission into the Union. President Taylor recommended the admission of the State of California, and the continuance of New Mexico under the existing military government.

In the Congress of 1848–9 were Clay, Webster, Cass, Benton, Calhoun, Houston, Foote, Douglas, Jefferson Davis, Seward, Chase, Bell, Berrien, W. R. King, Hale, Hamlin, Badger, Butler of South Carolina, Mason, Hunter, Soule, Dodge, Fremont, Toombs, Stephens, and other statesmen of experience and ability to whom may be appropriately added Millard Fillmore, President of the Senate.

The question of sectional preponderance came again into hot discussion as suddenly as it had done on former occasions. But the conflict was fiercer and for a time seemed uncontrollable. Slave labor in the new territory was made the main incident of the gigantic battle. Slavery in general soon became the prominent subject of angry debate. The South found itself pressed to defend its hold upon the institution at all points. The line of North and South became again as distinctly apparent as the long and lofty crest of the Alleghany and Blue Ridge

mountains. In the contest for speakership, only 20 scattering votes out of 221 in the House of Representatives had indicated the presence of any decided aggressive anti-slavery sentiment in Congress. But now, within a month afterward, the Congress and the country were again arrayed sectionally into Northern and Southern opponents. Henry Clay, as the recognized representative of conservative sentiment—a Southerner from the middle western border State of Kentucky—came forward promptly in January, 1850, to offer terms of settlement. His warmly expressed patriotic purpose was to effect "an amicable arrangement of all questions in controversy between the free and slave States growing out of the subject of slavery." Moved by this spirit, the great Kentucky statesman presented in January, 1850, a series of resolutions covering the admission of California, territorial government for the territories acquired from Mexico; the Texas boundary—the appropriation of ten millions to Texas for payment of its debt; the abolition of the slave trade in the District of Columbia, and a law for rendition of fugitive slaves.

Mr. Clay's plan of settlement differed from that of Taylor, and his administration actively opposed it. Benton vigorously assailed the scheme. Calhoun at first opposed the plan of Clay and was supported in the opposition by Seward, the leader of the administration. Mr. Calhoun, in the course of an elaborate speech, said: "How can the Union be saved? There is but one way by which it can with any certainty, and that is by a full and final settlement on the principle of justice of all the questions at issue between the two sections." Mr. Webster made his great Union speech on the 7th of March, 1850, taking ground against Congressional restriction as to slavery in the territories, thereby offending a large portion of his constituency. Mr. Toombs, replying to the charge that the Southern members opposed the admission of California because its constitu-

tion prohibited slavery, said: "We do not oppose California on account of the anti-slavery clause in her constitution. It was her right, and I am not even prepared to say she acted unwisely in its exercise. That is her business; but I stand upon the great principle that the South has right to an equal participation in the territories. I claim the right for her to enter all with her property and securely to enjoy it. She will divide with you if you wish it, but the right to enter all or divide I shall never surrender." Mr. Toombs stated the general Southern idea in the words—"the right to enter all or divide," by which he meant the right of each section to enter with recognized property all the territories, or a division of the territories on the old line of 36° 30′, or any fair and equal partition. Mr. Jefferson Davis and Mr. Douglas worked together to secure a Congressional declaration against Congressional restriction on the local action of territories, and succeeded in securing an agreement to a motion to that effect made by Mr. Norris, of New Hampshire. Mr. Green, of Missouri, proposed the recognition of the old Missouri Compromise line through all the new territory, but his proposition was rejected. Mr. Stanton, of Tennessee, then asked for a law that the admission of no State out of territory south of 36° 30′ should be objected to because its constitution authorized slavery, which was refused by nearly an exclusively sectional vote. At this juncture Mr. Soule, of Louisiana, proposed a test vote by an amendment to Utah Territorial bill simply declaring that Utah shall be received into the Union with or without slavery as its constitution may prescribe at the time of its admission. This raised the question whether under any circumstances, another State authorizing the use of slave labor would be allowed to emerge from the Territorial into State government. It has been said that the fate of the compromise, with all its happy consequences, rested at that hour on one man. That man was the august Senator

from Massachusetts—*Daniel Webster.* Upon his speech, and, as Mr. Stephens says, "even on his vote," the great issue hung suspended. The great patriot announced his conviction that this simple constitutional proposition should pass, closing his speech with words worthy of being heard still throughout the Union. "Sir, my object is peace. My object is reconciliation. My purpose is not to make up a case for the North or to make up a case for the South. My object is not to continue useless and irritating controversies. I am against agitators North and South; I am against local ideas North and South, and against all narrow and local contests. I am an American, and I know no locality in America. That is my country. My heart, my sentiments, my judgment demand of me that I should pursue such a course as shall promote the good and the harmony and the Union of the whole country. This I shall do, God willing, to the end of the chapter." The vote was taken, and the amendment of Soule was adopted in the Senate by a vote representing two-thirds of the States.

President Taylor's death in July, 1850, at the moment of the controversy's highest heat, simply changed the situation sufficiently, through the influential aid of Fillmore, to permit the passage in separate bills of the compromise measures which Clay desired to group in one act. The policy of Clay was, in fact, carried out with no significant changes from the general plan he had proposed. These measures in general effect secured to California its right to be a State with a constitutional prohibition of slavery, removed the domestic slave trade from the District of Columbia and rendered the operation of the Missouri compromise line, so often proposed by Southern men as the partition line of the common territory, inconsistent with its avowed principle of non-intervention. In regard to the States, the measures declared their right to regulate their domestic institutions, and as to the use of the territories, the citizens of all States were placed,

as they should have been placed, on equality of privilege. To the South was conceded the fugiitve slave law.

The settlement was not wholly satisfactory to the minority North and South. The dissatisfied Northern minority, led by Thaddeus Stevens, Seward, Wade and Greeley, opposed the compromise because it effectually denied the power of Congress to prohibit slavery in the territories, and provided for the return of escaped slaves to their owners in compliance with a plain requirement of the Constitution. Southern opposition showed itself in the rise of a "Southern Rights" party in several States whose platform declared that the North gained everything and the South nothing by the compromise. But the opposition was defeated everywhere. In Mississippi General Quitman was compelled to retire from his candidacy for the office of Governor because of his disunion antecedents, and Jefferson Davis, late in the canvass, was required to take his place on account of his conservative position, yet even he was defeated by a small majority. Howell Cobb, Toombs, and Stephens united in support of the compromise. Their state, Georgia, overwhelmingly endorsed the measure, presenting through the convention called by the Legislature a notably patriotic document called the Georgia Platform.

The South heartily agreed to stand by the settlement, even South Carolina refusing to take action against it. Not a State attempted to nullify any of its provisions, not a citizen rebelled against any of its parts. Greeley said the triumph in the South was complete. (American Conflict, 211.)

The South acquiesced fully even where it did not approve. Not all agreed with Mr. Cobb's statement that the measures were "wise, liberal and just," nor with Mr. Davis in his mild propositions and speeches of 1850. There were "fire-eaters," so called, who heartily despaired of equality in the Union and urged a convention of Southern States in order to further settle the

sectional dispute or to provide for the division of the United States. But the year 1851 saw the thorough acceptance by the vast majority of Southern people of this great "Settlement" as a finality. No State legislation nor any other form of active opposition to any feature of the compromise was tried anywhere South.

It is a pity that this triumph was not as complete at the North. Greeley, editor of the powerful Tribune, denounced the compromise with great violence and upbraided the Northern statesmen who were supporting it as truculent to the slave-holding lords. The embittered leader went so far as to accuse some of these statesmen of duplicity in loudly declaiming that constitutional obligations required the surrender of fugitive slaves while they secretly gave money to aid the runaway in escaping to Canada. In vigorous language he wrote concerning the great Peace measures, "The net product was a corrupt monstrosity in legislation and morals which even the great name of Clay should not shield from lasting opprobrium." (American Conflict, I, 210.)

Great leaders with a large and excited following began at once an active and bitter agitation in many Northern States. Seward in New York, Stevens in Pennsylvania, Wade, Fessenden, Giddings and others equally eminent, provoked a popular hostility which displayed itself not in harmless, local mass meetings only, but in positive revolutionary legislation by States. A Massachusetts convention was called to denounce all who were concerned in securing the passage of these compromise bills, and the noble Webster, greatest of New England men of any age, fell under condemnation. A New England republic was so much talked about as to draw out from Caleb Cushing an eloquent appeal on July 4, 1851, for the Union. "I have endeavored to picture to myself," he said, "that republic of New England to the adoption of which the inconsiderateness of many among us, the perverseness of others, and the criminally ambi-

tious vanity of a few are, by their assaults on the Union, endeavoring to bring the people of Massachusetts. We dissolve the Union under the impulse of a blind, bigoted and one-sided zeal in the pursuit of our own opinions." But the New England republic which had been talked of for fifty years among the sagacious people of that section was not wholly impracticable. All that was lacking was the co-operation of the great part of New York, with the control of the Hudson, and the accession of Pennsylvania, with the control of the Susquehanna.

The Northern States were inflamed by the leading opponents of the compromise through special denunciations of the fugitive slave law. In the opinion of these agitators, the entire compromise was tainted by the act which prescribed the mode by which an escaped slave might be recovered by his owner. The appeal to the human love of liberty, to natural pity for the distressed, to the laudable admiration of any one who makes a bold break for freedom, was not unavailing. Such discussion of the obnoxious, though most clearly legal, statute of all the compromise bills, led on to an antagonism of the whole settlement, and directly to strong denunciation, not only of the institution of slavery, but of the Southern people themselves, who were supposed to be profiting by "the sum of all villainies." Thus the wise plans of venerable statesmen, on whose names this generation look with a reverence which no later names inspire, were exposed to the hot fire of Northern as well as Southern assailants, resulting in the South in no hostile acts, but unfortunately followed in Northern States by nullification laws such as they had once denounced.

For practical work against the efficiency of the fugitive slave law an organization was formed to encourage escapes and aid in the flight of negroes, through which relays conveyed the fleeing bondsmen to the land of British freedom in Canada. This lawless institution was petted by the name of the Underground Railroad, and

was systematically supported through collections taken from benevolent people. It is "never wrong to do right" was a truth shrewdly used to justify actions which the law of the United States called a crime. Resistance through legislatures, courts, societies and popular meetings obstructed the attempt of any owner of the flying negro to recover his property. The Supreme Court of Wisconsin ventured to say in the case of Booth, who was tried for aiding in the rescue of Glover, that the fugitive slave law was unconstitutional, but, after due hearing, the Supreme Court of the United States unanimously affirmed its validity.

CHAPTER III.

ATTEMPTS TO NULLIFY THE COMPROMISE.

POLITICAL ALIGNMENT IN 1852—DEMOCRAT, WHIG AND FREESOILER—THE SETTLEMENT OF 1850 RATIFIED—PIERCE PRESIDENT—NULLIFICATION MEASURES IN NORTHERN STATES—RENEWAL OF AGITATION BY FREESOILERS—SHADOWS SHOWING A COMING EVENT—SECTIONAL DISCORD NECESSARY TO THE FREESOIL FACTION—KANSAS TROUBLES AND EMIGRANT AID SOCIETIES—THE SHAPING OF A PARTY STRICTLY NORTHERN—LOCAL SUCCESSES.

WHILE this apparently factious but dangerous opposition to the stability of the compromise settlement was being thus pressed among the Northern States, the political parties were preparing for the Presidential election of 1852.

The Democratic State conventions sent delegates to the national convention at Baltimore June 1, 1852, thoroughly impressed with the view that the settlement was fully agreed to by the people of the United States, and consequently political controversies must be caused by questions not so sectional as that of slavery. Resolutions were passed re-affirming the principles of the compromise and pronouncing against further slavery agitation in Congress.

The Whig party, meeting in national convention the same month, passed strictly State Rights resolutions and also resolved that the compromise was a settlement in principle and substance of the dangerous and exciting questions thus settled. The resolutions pledged the Whig party to "discountenance all efforts to continue or

renew such agitation, whenever, wherever or however the attempt may be made."

Unfortunately the national Whig party was rendered powerless by divisions. Greeley condemned the patriotic resolutions as a Southern platform imposed on the convention by the Southern delegates. Mr. Stephens, however, declares it as his memory that "the resolutions were prepared by the Northern friends of Mr. Webster at his house, and met with his full concurrence." The platform was voted for by 227 yeas against 65 nays. New York, Ohio and Michigan voted against it; Maine divided equally upon it—thus showing that twenty-seven States agreed to it out of the thirty-one represented. Greeley and his faction having condemned the settlement were now agitating the slavery question afresh, and saw no virtue in any movement which separated the sectional question from party politics.

In both of these conventions there were delegates who had shown great hostility to slavery. Some were in the Democratic convention who had earnestly supported Van Buren in 1848 against the nominee of their party. Others had been extremists in their antagonism to the settlement of 1850. But the hitherto contestants were now marshaling again into old party affiliations to renew party contests without the obstruction of sectional questions. Marcy men and Wright men harmonized. In the Whig convention were many men who, being opposed to the compromise measures, united in presenting the name of General Winfield Scott, of Virginia, to the convention as their favorite for the presidency. Scott had himself opposed the settlement and was still regarded as being among the dissatisfied members. He was, however, a Southerner, a Whig, an illustrious soldier, and popular in the Northern States. A class of conservatives led by the Massachusetts delegation offered the great name of Webster, claiming his nomination as due to his abilities, his services and his leadership in pacifying the country.

Fillmore was the favorite of the South, which gave its entire vote to him with a single exception. The Northern vote cast on first ballot divided between Fillmore, 16; Webster, 29, and Scott, 130. The final vote ended in the nomination of Scott by defection from the Fillmore ranks, a nomination which proved to be unfortunate, chiefly on account of the suspicion that Scott was not heartily in sympathy with the compromise. Mr. Blaine suggests, with political shrewdness: "The people soon perceived that, if there was indeed merit in the compromise measures, it would be wise to entrust them to the keeping of the party that was unreservedly—North and South—in favor of upholding and enforcing them. On this point there was absolutely no division in the Democratic ranks." (Blaine, vol. 1, p. 104.)

Scott was defeated by the course of his most prominent supporters. At the outset of the canvass Greeley accepted the candidate, but violently abused the platform. Seward supported him in public speeches which contained the old agitating elements that were now supposed to be eliminated from national politics. Offensively declaring they spat upon the platform of their party, many of these advocates of Scott's election ruined his candidacy.

The Free Soil party, which had at no time discontinued the sectional war, were urging Hale for the presidency, and were drawing their strength from the ultraists of both parties, but generally from the Whigs.

As a consequence of their political folly, the Whig party, the true national antagonist of the national Democratic party, was overwhelmed by defeat in a contest in which they carried the electoral votes of only four States. Twenty-seven States voted for Pierce.

The inexcusable folly of the Whig convention may be regretfully contemplated as one of those strangely recurring political blunders which led at last to the disruption of the Union. Fillmore and Webster were both

great leaders in effecting and sustaining the "settlement of 1850." Their combined strength would have nominated either. By opposition both lost. It is not improbable that either might have been elected, but if defeated the vote would have been close enough to have prevented the disbanding of the great old Whig party which had triumphed in 1840 and 1848. Clay and Webster died with their expiring party. Fillmore's followers rowed away quickly from the sinking ship. Webster's devoted friends, mourning his death and resenting his rejection by the people whom he had served, went sullenly into other affiliations.

The ruins of this magnificent party furnished the best material of a new hostile, determined organization. Scott's friends, angered by their stinging defeat; the adherents of Fillmore and Webster, thoroughly disgusted with old party alliance—all were now out of national power and held even their States precariously. They were ready for a new agitation by which power might be regained.

The Whig vote for Scott was 1,386,580; the agitators' vote for Hale was only 155,825; Pierce's vote of 1,601,274 exceeded the Whig poll by only a little more than 200,000. It will be seen that, while this analysis shows the Whig strength, it also discloses the strength of public sentiment against further sectional agitation. Only a few more than 155,000 votes out of over 2,000,000 declared in 1852 for a continued sectional contest. The popular verdict showed unmistakably that the people designed to let the sectional question of slavery work out its own destiny on the principles of the settlement of 1850. In this contest the South voted unanimously against sectional agitation.

Only one threatening cloud hung in the sky. The Free Soilers, though few in numbers, were a resolute, conscience-stricken brotherhood who were posted in various sections of the North, readers of but one class of

literature, and holding themselves above party obligations, still in the main regarded the Constitution as an immoral instrument and the Union as the pernicious machinery invented to promote a great national sin. For these men the attempts made under the rendition law—the so-called fugitive slave law—to recover the absconded negro held to service by statutes of several States, were opportunities which they quickly seized to stir afresh the fires of sectional hate. Disturbances in several localities arising out of arrests and trials under the act referred to, although for the time local, were published by pen and voice with all the exciting additions of appeal to humanity on behalf of the fugitive, and fiery denunciations of the slave catchers who had invaded free States to assert their titles to property in human beings. These exciting causes were only sufficiently numerous to bring into prominent notice throughout the South the nature of the nullifying laws passed by Northern States, and to inform Southern readers of the press concerning the determined hostility toward the institution of slavery. They were also sufficient to furnish the Free Soilers with grounds for hope that agitation on this account would so influence the Northern mind again as to increase the power of that sectional party.

A reference here is both necessary and proper to the singularly popular book called "Uncle Tom's Cabin," written by Mrs. Harriet Beecher Stowe and published during the campaign of 1852 and pending the growing excitement over the fugitive slave law. The reference is made to that work only to further show the fact that the "settlement" was not allowed to be a "finality," and to point out one of the methods used to destroy the work of patriotic statesmen, and to intimate the coming of Southern secession. The book was designed to aid and abet the renewed conspiracy against that "more perfect Union," which now existed by virtue of the compromise of 1850 and the national fraternal alliance of the North

and South. Its direct aim was to make slavery so odious as to cause any rendition of slaves under the fugitive slave law to be impossible. Its political use was to destroy both the Whig and Democratic parties, so as to erect from their ruins a powerful anti-slavery association, which then meant an anti-Southern party. For all these purposes the story told by Mrs. Stowe was ingeniously constructed, and opportunely given to the Northern public in conditions that secured for it immediate, wide and even astounding success. The story has been justly called by anti-slavery critics "a monstrous caricature," and it will not escape the condemnation of the future historian as a libel on the Southern people. The intelligence and Christian character of the author, together with the remarkable influence of the book upon the masses in New England and Great Britain, will be fully acknowledged, but the book itself, as to its political and incendiary purpose, its suggestions of infidelity to legal obligations, its unjust and untrue descriptions of Southern society, its inspirations of sectional discord, will in all fairness be consigned to the purgatory of pernicious literature.

The Free Soil leaders made extensive use of "Uncle Tom's Cabin" as a campaign document. Its sale in a few months reached to many thousands, and its readers were perhaps more than double the editions published. "The storm of anti-slavery demonstration, the tempest of invective, denunciation and menace which swept the North," says an English historian, "the counter-blast of indignation and resentment provoked in the South, terrified politicians who had inherited from Clay, Calhoun and Webster the traditions of a mightier generation and the task of saving the Union. Now for the first time their object was called in question. That the Union was worth saving was openly denied by thousands; that it could be saved was inwardly doubted by millions."

All the advantages gained by the Northern section

through the measures of 1850, and all the national unity which it was designed to produce, became of no consideration in the minds of many who constituted the centers of ceaseless hostility. These centers of agitation were not like circles of waves growing wider but weaker from the axis of expansion, but they were veritable storm centers, breeders of agitations which grew in intensity as they enlarged their spheres of activity. All respect for the "settlement went down as this new agitation of 1852 progressed, and, while the aggression did not gain strength soon enough to defeat Pierce, it entered among the broken hosts of the Whigs and the discordant ranks of the Democrats with force sufficient to inaugurate with new combinations another and a fatal era of the irrepressible conflict."

Under this state of feeling produced by the agitations immediately following the passage of the compromise measures, and intensified by the mortifications incurred in the campaign of 1852, the administration of Fillmore closed and that of Pierce began. The year 1853 has been likened to the era of good feeling during the first years of Monroe's presidency. But the likeness was not real. Monroe could say of the people of the United States: "We are all Democrats! We are all Republicans!" Of the people of the same country in 1853 no such words of praiseworthy unity could be spoken. The country at large was participating in a great degree of material prosperity. The South was enjoying the repose which followed the political victories in 1851 and 1852 of the Constitutional Union party over the alarmed Southerners who had formed the Southern Rights party. Whigs and Democrats in Southern States had coalesced into one party whose cohesive principle for the time being was acquiescence in and maintenance of the settlement of 1850. That one political feature swept into power and office in the South a controlling body of men devoted to the Union and determined to check all move-

ments that threatened its dissolution. The Southern people elected Union legislatures and sent Union men to Congress. The States of the South where slavery was most firmly set, were as staunchly Union as those which had most vehemently denounced them and their domestic institutions.

The inaugural of President Pierce pleased all Conservatives throughout the Union, and sectional agitation being now removed from Congress, the administration concerned itself with affairs entirely national. But the agitation ceasing in Congress, was pressed locally to influence elections in the States. Congressional candidates were required to avow their positions on slavery. Legislatures were elected hostile to the fugitive slave law. Personal liberty bills were enacted and enforced. Municipal governments were constituted with reference to the slavery question. A social and religious horror was excited concerning the arrest now and then of an unfortunate bondsman. Mr. Greeley names only twenty-eight cases of slaves sent back into servitude, although he says in the "American Conflict" that the arrests were more in one year after the passage of the Compromise Acts than in all the previous sixty years. In explanation it may be stated that though the escapes had been many, the arrests for sixty years had been few, and they were not surprisingly increased even after the passage of the fugitive slave law.

Two malign stars came into conjunction when the nullification of the fugitive slave act by the personal liberty bills of States, and intervention by congressional action with the institutions of Kansas, united in steadily increasing disunion influences from 1853 to the sequence of the Confederacy.

Kansas and Nebraska were a part of the immense Louisiana purchase from France. It contained in 1853 a small white population, whose plea for territorial government was the necessary protection from the adjacent

Indians of these white settlers, who had been moving into the territory for several years. After the Settlement of 1850 it was considered that the prohibition line of 36° 30′ was no longer operative, and consequently men from Missouri and Kentucky, owners of slaves, or favoring the institution of slavery, entered the southern part of the fertile territory. This Southern movement to share the lands of Kansas was met promptly and energetically by a well organized counter movement to secure a majority of anti-slavery territorial voters. It was fair rivalry at first, notwithstanding the advantages which the Northern section had on account of its superiority in emigrative population, and it might have been reasonably conjectured that if the question had been left to the simple operations of the Settlement of 1850, the non-slave-holding interest would have secured a bloodless victory. The opportunity was, however, seen by the politician as well as by the enthusiast, to make the local contest a national issue over remote and obscure Kansas, distant though it was from the East and the South.

Early in 1854 emigrant aid societies were chartered in several Northern States, whose agents actively canvassed their section, and producing great feeling, raised large sums of money for use in paying the expenses of the anti-slavery emigrant. Their agitation was met by resolute action in Missouri, and the Kansas war began.

These troubles being often referred to as the stimulating cause of disunion, it is pertinent to ask whether those Southern States, which subsequently created the Confederate States, initiated the unhappy conditions in Kansas? The answer from all records appears that not one of these States embroiled itself in the Kansas war. Few, indeed, of their people either went to Kansas or desired to go. The Kansas war was almost wholly a conflict between the people of the Northern States, and a part of the people of the border slave-holding States. The Southern Atlantic States looked directly westward

for expansion through Alabama, Tennessee and Mississippi to the vast territory southwest beyond the Mississippi river, caring little for Kansas, although its southern half was invitingly fertile. The political situation in these States did not at any time require the expedient of agitation over the wealth or the woes of Kansas. The Democratic party in those States, thoroughly Union, and led by Mason, Toombs, Stephens, Cobb, Jefferson Davis and the like, was content to have the policy of the three successive Northern presidents, Fillmore, Pierce and Buchanan, the views of Webster and Clay, and the doctrine of the "Settlement" carried out. The situation in 1854 does not make it reasonable for the historian to record that these States or their leaders desired any sectional conflict over Kansas, much less that they desired disunion. But the political situation in the States North was somewhat different.

Whig leaders North, unnecessarily disheartened by the defeat of 1852, and suffering from the inroads made by the Free Soil faction, threw overboard the great economic questions, on which they might have gained the victory in 1856, and many surrendered to the spirit of sectionalism. Northern Democratic leaders, being hard pressed with charges that they were the vassals of the slave power, fell here and there out of the ranks, or else adopted a line of argument as to Kansas and other territories, designed to show that there could not be any further extension of slavery. The agitation thus became strictly a feature in Northern politics, distressful to the administration of Pierce, and fatal to that of Buchanan.

Evidently the Southern States had no power to arrest these political developments. They could not stop either the Kansas war nor prevent the organization of the elements at that time opposing the administration which had come into power on the popularity of the Compromise of 1850. The question of the time as it appeared to

the Southern mind, was simply that a constitutional right existed for their benefit. It may be a barren abstraction so far as Kansas was concerned, but to yield it was to invite aggression that would be effectively destructive of a vast investment the Southern people had made under the encouragement of the Union. So far as "the Kansas imbroglio" was concerned, they had expressed willingness to accept the line of 36° 30′ extended to the Pacific ocean, or to repeal it altogether; and as they were divided on the views of Mr. Douglas and Mr. Buchanan in regard to the meaning of intervention, they could have been induced to adopt either view, had the great leaders at the North agreed upon a settlement of the Kansas question.

Under these circumstances the new agitation began to assume definite form in a political party of opposition composed of all the Free Soilers, and "Old Guard," as Mr. Giddings called the Abolitionists; scattered Whigs; the anti-slavery Democrats and the anti-Pierce men generally. Fusing without a distinct party name as yet and fighting under the one rallying cry of free Kansas, without any regard to old party principles of a national character, the new combination swept over the North in 1854, while anarchy reigned in Kansas.

Sectionalism thus became successful. The speaker of the Thirty-fourth Congress was, for the first time in the history of the government, elected by a strictly sectional vote. "It was," says an eminent authority of New England, "a distinctive victory of the Free States over the consolidated power of the Slave States. It marked an epoch." And so it did. It made it clear that the "fixed geographical majority" had been nearly obtained. It indicated the possibility that a Southern Confederacy and a Northern United States might be the necessitated remedy for the irrepressible antagonism that had so long existed between "the Old North and the Old South" created by King James. The Southern States, however,

closely united in support of their views, were powerless in the Union whenever the questions were sectional which Congress must determine. It was this startling fact which gave such serious interest to the approaching election in 1856 for the presidency. Should the same spirit prevail in the national election for the office of the chief executive which had secured the speakership (the next highest office), the South would have reason to fear that its peculiar interests would not be respected.

CHAPTER IV.

THE NEW ANTI-NATIONAL MOVEMENT.

SECTIONAL CONVENTION OF 1856—AGGRESSIVE ASSAULT ON THE UNION BY THE FREMONT PARTY—ITS STRENGTH ALARMS THE SOUTH—"ALL NEW ENGLAND SOLID"—SOUTHERN VOTE GIVEN TO NATIONAL NORTHERN MEN—BUCHANAN ELECTED BY ONLY NINETEEN STATES—THE ELECTION ENDORSED THE COMPROMISE OF 1850—KANSAS AGITATION RENEWED BY THE SECTIONALISTS—DEMOCRATIC LEADERS DIVIDE THE PARTY—LINCOLN AND DOUGLAS—THE UNION IMPERILED FOR PARTY SUCCESS—THE CRISIS IMPENDING—DISUNION BECOMING EVIDENT—JOHN BROWN'S RAID A RESULT OF METHODIC MADNESS—PULPIT, PRESS AND PLATFORM STIR UP PASSIONS—HELPER'S IMPENDING CRISIS REINFORCES UNCLE TOM'S CABIN.

THE controversy over the Settlement of 1850 which had begun with limited popularity, persisted through the defeats of five years, until now, under the political conditions of parties North and with the opportunity furnished by the Kansas question, it suddenly enlarged into such proportions as to create among its leaders the sanguine hope of political success through a party under a new and attractive name taken from the early days of the republic.

The exciting debates in Congress on questions relating to geographical supremacy, the eager discussions among the people, the election of Congressmen opposed to the administration, the increasing control of State governments in the North, encouraged a combination powerful enough to confront aggressively the national party, whose leaders then controlled the government. The grounds

of the new party affiliation were: resistance to the fugitive slave law, the non-extension of the Missouri Compromise line, with opposition to its repeal, rescue of Kansas from the slave power, and the general overthrow of the haughty domination of the South. The movement could not include any specific national policy, was necessarily sectional, and its promoters looked only to the Northern people for support. No Southern State could join it; none was expected to do so—and none did. By a cool calculation of political influences and resources, it was considered that the more numerous and richer North could attain a settled ascendancy, if the proposed combination could be secured. Good practical politicians like Giddings, Seward, Chase, Hale, Sumner, Banks, Weed —all men of eminent abilities, long used to political strategy—saw an opportunity to regain the governmental influence which they had lost since 1850. They were warned by Northern leaders that this movement portended disunion, and by the alarmed South that it predestinated secession, but they felt no fright, and at least would risk the issue.

Committees appointed by eight Northern States issued in 1855 a call for a general convention, which assembled at Pittsburg, February 22, 1856, and erected a party platform in which aggressive war was declared against the general policy of Pierce, and definitely in favor of all measures that would confine slavery within the limits of the slave-holding States. Upon this basis of agreement the convention ordered an election of delegates from the States to a party convention to assemble at Philadelphia, June 17, 1856. The convention thus called assembled, nominated Fremont, of California, for the presidency, and Dayton, of Ohio, for the vice-presidency—both from the North, thus violating the custom unbroken to this time to divide these offices between the North and the South. The single avowed purpose of the new association was to aim at and look for the extinction of what

the platform offensively called "the twin relics of barbarism—polygamy and slavery." The inventors of this sharp-pointed and irritating thrust at the South did not consider that these twins were both the progeny of Northern loins. It is therefore fair to make the historic note that one of these odious twins was conceived in the iniquity of the African slave trade, in whose generating the South did not share, and that the other offspring of barbarism was born in social conditions—certainly not common in the North—but existing wholly outside the Southern States. The platform thus justly condemned the men who originated the twin evils, and if it had denounced the slave trade itself together with polygamy, the applause of the South would have followed. Slavery was the unfortunate relict of the horrible trade in human flesh which, for the sake of gain, deprived the helpless African of his freedom. (American Conflict, p. 255.)

The American party, composed largely of patriotic Whigs who would not yield to the sectional spirit nor ally themselves with their old Democratic antagonist, nominated Fillmore. In the ballot Fillmore was supported by 886,000 voters, of whom about 500,000 were from the South, and one Southern State—Maryland—honored him with its electoral vote, and 114 electoral votes from eleven States. Buchanan was elected by 1,851,000 popular votes, 174 electoral votes, and the suffrage of nineteen States. The result astonished the Democrats, dissolved the American party, encouraged the sectional movement, and dismayed the South. Ten States which Pierce had carried in 1852 were lost. New York and Ohio voted for Fremont, while Pennsylvania was barely saved. "All New England was consolidated." More than a million and a quarter of Northern citizens had cast their votes deliberately for the sectional candidates of a sectional party on a sectional issue, and against a Northern statesman of exalted character, the nominee of a national party on a national platform. The Southern

vote was cast unanimously for the two Northern men, Fillmore and Buchanan, both representing the cause of the Union, the Constitution and the Compromise of 1850.

The political situation was evident. "The distinct and avowed marshaling of a solid North against a solid South had begun," says Senator Blaine, "and the result of the Presidential election of 1856 settled nothing except that a mightier struggle was in the future." These words of the great Senator from Maine, written nearly thirty years after this election, express the conclusion which at once heightened the fever of Southern anxiety.

Buchanan — inaugurated March 4, 1857 — sincerely hoped that his administration would allay the agitation which had sprung up fiercely three years before. His election was regarded by the country as another significant endorsement of "the finality" of 1850, and he officially declared his desire that such action should be taken in the management of the territories as would avoid all national controversy between "North" and "South." In this desire he clearly had the sincere sympathy of all political parties in the South. The feeble resistance first made in parts of the South to the compromise was fully overcome in 1851, and it ceased to be a question. The practical danger to Buchanan's election had come in 1856 alone from Fillmore men whose platform agreed with his own views on the sectional question. Their party dissolved like a mist immediately after Fillmore's defeat, and its members in the South, though a half million strong, had no grounds of contest except such as might be found on local issues. Their leader, Mr. Fillmore, had written a remarkable letter in July, 1856—the protest of a patriot against sectional partyism—concerning which Mr. Greeley commented that it plainly declared the success of the Republicans would "not only incite, but justly cause a rebellion of the Southern States." (American Conflict, 248.) Heeding the words of these great Northerners, the Southern Americans stood together in

support of any measures that would secure the cessation of further dangerous agitation.

The Buchanan administration inherited the Kansas trouble and was plagued in the beginning with unexpected developments. The settlers in Kansas had become stimulated into actual war, and there seemed to be no desire among these squatter sovereigns to come to a square and peaceful vote. But even these internal difficulties could have been settled if the partisan pressure from without had been withdrawn. Successful party effort to overthrow the administration plainly required that Kansas should not be quieted on any plan that permitted the toleration of the slave-holding influence. But even these animosities of the settlers, and these partisan maneuvers, would not have destroyed the peace of the Union, if the perilous disagreement had not occurred between the two great Northern leaders, one being the President, and the other the eminent Senator from the West, Mr. Douglas. These two statesmen, each possessing commanding influence North and South, combatted alike the sectional position taken by their common adversary, and in this they were sustained by the Fillmore men as well as by their own party. But they chose to differ irreconcilably on the construction of the doctrine of non-intervention by Congress as to the local institutions of a territory. The exact point of their difference at the time was the application of the principle of non-intervention by Congress as to slavery in Kansas and Nebraska. Mr. Douglas held that the voters in the territory had power over that question through their territorial legislature; Mr. Buchanan's view was that the power to exclude slave property by the people of a territory could be exercised constitutionally only through their legally framed State constitution. The Republicans held that Congress could prohibit slavery in the territory with or without the consent of the inhabitants. With this trident of political opinions the South was

thrust through its vitals, seeing nothing good coming to itself out of Kansas, but everything important, in view of the national and constitutional principles involved.

The Southern idea of Statehood raised the political character of the State far above that which could be lawfully assumed by the people of a territory. It was clear to Southern men that any State constitution legally adopted could authoritatively prohibit or abolish slavery. The people of any State whose laws provided for the existence and protection of ownership in the labor of the negro could at any time abolish the institution through a constitutional convention. There was a vast difference, however, between territorial government and State government. Territorial government was the creature of Congress—merely a servant of the congressional servants belonging to the brotherhood of States; but State governments were ordained by the people in whom reposed the last analysis of sovereignty, viz., the makers of the Union and the masters of its Congress. No powers under the Constitution were reserved to the territories, but to the States respectively. No sovereign powers were reserved to the people of territories as such, but to the people of the United States. The Southerner felt that he was a defender of the State against the usurpations of the settlers in a territory, when he objected to a final decision as to the greatest of property rights recognized by the Constitution being made absolute by a territorial legislature. Upon these and similar principles Southern statesmen and jurists generally held that the time when the allowance or disallowance of slave labor should be determined, was at the making of a State constitution by the *bona fide* resident voters of a territory through their legally elected representatives, assembled lawfully in a convention, called for that purpose, under the authority of the United States. The compromise measures of 1850 in their opinion contained that doctrine, and with them many Northern statesmen and jurists agreed.

The ill-starred excitement over Kansas arose out of political circumstances, from which the Southern States, which subsequently seceded, were free. "The controversy in its early stages was pressed upon the South." Northern leaders, contending with each other, disturbed the Southern repose more than the "Old Guard" of sincere and impotent Abolitionists; and the fighting factions springing out of the dismemberment of old parties brought on the bedlam in national policies from which the South was directed to see finally no escape, except by the way of a Southern Confederacy.

If the Kansas bill, including the repeal of the Missouri Compromise, was a fire-brand as alleged—that brand was not cast by a Southern, but by a Northern statesman, and it is no compliment to Northern leaders to explain that they were subjects of magnetic Southern influence. If the attempts of Southern citizens in the border States to occupy land in a near territory and to cultivate it by uniting their own labor with that of their bondsmen was an injury to the Free State neighbor who had no negroes, it was just such an injury as could be peacefully removed by the majority vote when the territory became a State. These Southern settlers were not border ruffians and should not have been stigmatized as such. If the fugitive slave law was an outrage, the makers of the Constitution, Northern as well as Southern patriots of the Revolution, are responsible for creating the obligation of Congress to pass it, as well as the duty of the States not to nullify it. Admitting slavery was a sin, the South caught it by contagion, and reproaches came with evil grace from those who imported the virus that tainted the blood of a nation. In the very midst of this heated controversy the Dred Scott case was brought to final decision by the Supreme court of the United States, March 7, 1857, in which it was determined by the judiciary department of the government that Congress had no power to prohibit slavery in any territory belonging

to the Union, and hence the restrictive section of the Missouri Compromise was void. (19 Howard, 393. See American Conflict, 253, 256.) The executive, the legislative and the judicial departments of the Union were brought into perfect accord upon the one constitutional view always held by the South, and almost if not quite equally held by the conservatives of the North, that the power to exclude slavery from the common territories had not been granted to Congress in the Constitution. The decision was made by able lawyers after principles strictly legal. The bar of the Union, by great majority at least, agreed with the court so far as that particular dictum was concerned.

But the decision of the Supreme court was directly in the way of agitation and hence it was at once assailed with a violence never before shown against any opinion of that august body. (American Conflict, 251; Stephens, 200.)

Coincident with the troubles in Kansas, occurred the great contest between Mr. Lincoln and Mr. Douglas for the Senatorship of Illinois. Mr. Douglas had dulled the ax of Republican resentment by his opposition to the admission of Kansas with a pro-slavery constitution, which he regarded as irregular; but his views did not accord with theirs in regard to Congressional intervention, and besides he had declared in public speech that he "cared not whether slavery was voted up or voted down." They were, therefore, not inclined to allow his return to the Senate if he could be successfully opposed. Abraham Lincoln was persuaded to meet him in a contest for the Senatorial responsibility, and the warm discussion between these well matched debaters soon drew not only great crowds in Illinois, but, through the public press, the whole Union was included in the audience and involved in the heat of the strife.

Mr. Lincoln was then and continued to be the ablest politician produced by the anti-slavery agitation. More prudent than Garrison or Giddings, wiser than Hale or

even Seward, "Honest Abe" was not always consistent, not always logical; often used political expedients, but was always true to his party and its main ideas. His characteristic traits, as they were in time revealed to the country, won for him something akin to general national affection felt by the Southern as well as Northern people. In his discussion with Mr. Douglas, Mr. Lincoln made slavery the issue, and with terse, striking and popular remarks pressed his antagonist hard. One series of sentences, which he persisted in uttering against the advice of his friends, became the subject of uneasy comment through the South. He said: "I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved, I do not expect the house to fall, but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it and place it where the public mind shall rest in the belief that it is in the course of absolute extinction, or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South." Southern men were astounded by these sentences. The possibility of encroaching upon the Free States with the slavery institution had never been under discussion, from the day that the receding of the slavery line southward had begun in Massachusetts. They had contemplated the abolition of slavery by Delaware, Maryland, Virginia, Kentucky, North Carolina and its flow South and West. They had in the early days discussed favorably its gradual extinction and the return of the negroes to Africa. But the wildest fire-eaters had not ventured the suggestion of forcing slavery northward on any States. These sententious statements of Mr. Lincoln sounded in their ears like the blasts of the bugle sounding an advance on all the Southern States, and Mr. Blaine thought in 1884 that this was the meaning which

Mr. Lincoln attached to his own words. Mr. Douglas charged that utterances of this character made Mr. Lincoln "an enemy of the Union and an advocate of an internecine conflict in which the Free States and the Slave States should wrestle in deadly encounter." The general impression on the Northern mind made by these sayings of Mr. Lincoln was that slavery must be destroyed. The Southern impression was that it would be the policy of the new sectional party to remove by law or by force the obstruction to harmonious Union which slavery presented. There was another distinct impression that unless slavery could be prevented in all the territories, and then abolished in all the States, the Union must be divided into halves by some movement. If the new party fail to destroy slavery, then the States without slaves must separate from the States with slaves. If it should come into power to carry out its platform, secession by the Southern States might be attempted. The Union "cannot endure permanently half slave and half free." Mr. Douglas insisted with great force that this declaration meant disunion.

Following this turgid current to its debouch in disunion, we see a new move in 1859 designed to make sectional agitation effective in the approaching political battle of 1860.

A small book, called by some "a document" prepared by a former citizen of North Carolina, Hinton Rowan Helper, which contained an arraignment of the class of Southern slave owners then living in the United States in coarse and slanderous language, was published. The South was threatened in the document with "confiscation, servile insurrections, invasion and maneuver." The inhuman book has long since gone to its own place justly consigned to everlasting shame and contempt, but when it appeared in this excited period of frenzied partyism it met an astounding welcome from many of the most eminent and virtuous people of the North. It was taken in hand as a

political document, and sent broadcast over the North indorsed by Speaker Colfax, sixty-four distinguished members of Senate and House, as well as by the leaders generally of the Republican party. The book was well adapted to incense the South, but its special purpose was to inflame the Northern mind. It was a long stride beyond Uncle Tom's Cabin in its incendiary aim. It proscribed the slave owner as ineligible for any office. It declared against all patronage of slave-holding merchants, lawyers, physicians, editors or hotels, and denounced all political and religious communion with the whole class. This incendiary work of a malicious enthusiast was reduced into convenient form, printed and circulated as a campaign document by the hundred thousand at a time, when the slavery struggle had actually ceased in Kansas, and the South was presenting no scheme of slavery extension. The ill-timed production was designated by the pompous superscription—"A Manifesto," and its title, "The Impending Crisis."

There was no crisis impending of which the Southern people had any knowledge. The records of the winter of 1858 and the spring of 1859 entirely failed to disclose a disposition of the South to engage in any agitation in which the North might not freely and fraternally participate. There was a lull in crisis-producing causes. Minnesota had just come, May, 1858, into the sisterhood of States with an anti-slavery constitution. Oregon was admitted also as a Free State, February, 1859. The first cable had been recently stretched across the Atlantic, over which the Queen of England talked with President Buchanan. The only impending crisis was the trouble with the other twin relict of barbarism, the polygamous Mormons, which General Albert Sidney Johnston was adjusting. There was, however, a crisis impending of which the South had no suspicion. Across the Potomac lurked one of the Kansas fighters who had become notorious there as Ossawatomie Brown, the

leader of a bloody night attack on a Southern force. John Brown having fled from Kansas, conceived a plan which he secretly but not fully divulged in a meeting of a few fanatics like himself. (American Conflict, 287.) In pursuance of his scheme to excite an insurrection of slaves in one State of the South, and to place himself at the head to organize a general uprising, he chose Virginia as the location of his first blow. He conceived the bold plan of attacking Harper's Ferry, and to prepare for the surprise, he rented a small farm in Maryland, July, 1858, under an assumed name, and collected a small amount of fire arms and ammunition, besides 1,000 pikes. A few followers, part of them his sons, gathered at his residence and were secreted until the hour came to strike his blow which captured Harper's Ferry, October, 1859. Brown held his captured garrison for a day and night, put out pickets, distributed arms for the use of negroes and for the short while terrified the citizens. He was, however, soon attacked and driven into an engine house. Part of his small force of twenty men were killed, including his two sons. Some others escaped and he himself was wounded, but he continued his defiant resistance until overpowered by a force of United States marines sent from Washington. He and six of his companions were lawfully tried, condemned and hung the following December.

This small affair had no significance apart from the general agitation which had pervaded a large part of the Union for several years. It was merely an awkward but fierce single bolt hurtling from a political sky charged with explosives by other men who had method in their madness. (American Conflict, 278–287.) Had the event been treated as the act of a fanatic, whose madness no more exempted him from death than the fanaticism of Booth could shield him from an assassin's fate, there would have been no serious fears felt in the South. Insurrections—very few in number—had been attempted

and foiled before. There was scarcely any apprehension in the South of a negro uprising, and none of servile war. The act of a wretched rowdy, imbued with the spirit of hate which had been intensified in bloody Kansas, was turned into political account. It is scarcely credible, although true, that public meetings, composed of good patriotic citizens, were held, speeches made and resolutions passed in approval of the purpose, or at least the motive, of John Brown. Wendell Phillips, speaking in Mr. Beecher's church, eulogized what he called the glorious deed. Clergymen compared the gallows of Brown with the Cross of Christ. A great audience crowded Tremont Temple on the day of the hanging in order to express a public sympathy. Meetings of like import were held in many other places and bells were tolled at the hour of execution. There was, in truth, no general indorsement by the people or the statesmen of the North of the insurrectionary designs of John Brown. There was no common Northern sentiment justifying the murderous act. His deeds were characterized as indefensible even by many who avowed their pity, but there were expressions, sufficiently strong and exasperating, to provoke the people of the South. The secret methods of the invader of Virginia reminded them of the covert proceedings of the emissaries who had occasionally in former times sought to distribute incendiary literature among the negroes. The manner of the attack, with weapons and ammunition sufficient for a thousand slaves, pointed out the bloody purpose of the assailant. Helper's book, "The Impending Crisis," recently pamphleted and indorsed by sixty-seven prominent Congressmen and scattered broadly over the land, had commended just such an act of war. The alarm in the South was certainly real, because it was based on the declared doctrines of the anti-slavery sectionalists, who were apparently growing in power and increasing in aggression. Their political fears were not allayed by any statement

that this powerful organization did not intend to oppose slavery anywhere except in the territories, for one of their leaders had declared the issue to be an irrepressible conflict; another, the greatest among them, had said not a year before John Brown's invasion, that "the Union could not exist half slave and half free;" great Senators had commended the Manifesto of Helper, and in all views it was evident that there was no practical difference between the creed of Seward and the creed of Gerrit Smith. They justly charged that the insurrection was the legitimate result of continued and recent fierce anti-slavery agitation. If the raid of Brown had occurred in 1851, during the administration of Fillmore and in that era of fraternity and peace, it would have provoked no political disturbances, for there was then no mighty political organization confronting the South, and no counter organization forming in the South to meet the North. The course of politics had been running four or five years threateningly toward a catastrophe, from which the Southern people shrank, and this "episode," as it has been flippantly termed, seemed to the South as the beginning of horrors. No political ends whatever could be served with advantage in the South itself by overestimating the dangers which this event portended. It must be apparent to intelligent men that the South needed no strengthening of its political adherence to the principles it had avowed. On certain questions the South was practically solid. The Northern mind had been sedulously trained in thoughts of the Southern people as a fire-eating class, ready to commit the act of disunion and constantly seeking to create a quarrel. Politicians, fiction writers, lecturers and excellent clergymen persisted in portraying the worst side of Southern character. Northern opinion was formed in part by teachers unworthy of a hearing, but unfortunately the error was "stimulated and developed for political ends by many

whose intelligence should have led them to more enlightened views." (Blaine, 157.)

While John Brown was plotting his invasion of Virginia, and the Helper Manifesto was rekindling the subsiding Kansas local animosity into the wider aggression on the slavery institution everywhere, the dissension in the ranks of the controlling men who had hitherto balked the progress of disunion causes, now more seriously and vividly portrayed the coming Confederation of seceded Southern States. The increasing Southern alarm caused several prominent statesmen of the South to declare their despair of the Union, and to announce themselves in favor of secession. Among them was Mr. Iverson, senator from Georgia, who predicted in 1859 that a sectional President would be inaugurated in 1861, which he affirmed would be such a declaration of war as to justify an independent Southern Confederacy, but his extreme ideas caused his defeat by the Georgia legislature for the Senate. His views were opposed by Mr. Stephens, who regarded the differences North and South constitutionally settled, and uttered his hope that an institution, "National and State, may long continue to bless millions yet unborn as they have blessed us." Mr. Toombs, of the same State, made also in 1859 a conservative speech advising against all extreme action, and especially opposing the particular demand by his party for national protection of slavery in the territories. Mr. Jefferson Davis was uttering the same hopeful opinions in Mississippi, and the Southern members of Buchanan's cabinet were advising against dissensions on the sectional question. There was no "Southern Rights" party. Broken down in 1851, it had no existence in 1859.

CHAPTER V.

THE CONFLICT OVER THE CONSTITUTION.

THE AGITATORS OF SECTIONALISM COMBINE IN 1859—THE CONSTITUTIONAL UNIONISTS DIVIDE—THE SOUTH UNABLE TO CONTROL THE QUESTION—RESOLUTIONS OF MR. DAVIS, 1860—STRONG UNION FEELING IN THE SOUTH—PARTY CONVENTIONS IN 1860—PLATFORMS, NOMINATIONS AND CANVASS FOR THE PRESIDENCY—NATIONAL UNION SENTIMENT OVERTHROWN—MR. LINCOLN ELECTED—THE FIXED SECTIONAL MAJORITY OF STATES ATTAINED.

THE Thirty-fifth Congress met in 1859, and it soon appeared that aggressive anti-slavery agitation was now moving its line forward toward a more commanding position. Kansas had been relegated to the care of the people of the territory, who had made an anti-slavery constitution, and secured control of the territorial government. In due time it would surely be marshaled into the columns of the Northern States. Agitation in that center could now no longer produce political results. There was a broader field of operations inviting the renewal of aggression. The control of the national government secured by "a fixed sectional majority," which would make the nation strong, centralized and supreme in its sovereignty over all States, was the crown to be placed on the political association that had grown from a handful of despised Abolitionists to a multitude —a million and a half strong—in one-half the States, whose concentrated vote would be so used as to carry enough States of the North in a solid body to control the electoral college. The antagonists of this combination for sectional power were so divided as to inspire the

aggressive agitators with confidence in their ability to cause their certain overthrow. Douglas and Buchanan were expected to fight each other to the bitter end, and so they did. The great Presidential contest of 1860 was now at hand, to be waged almost exclusively on issues and principles which were regarded as vital to the Union. The position of the South is thus stated by an eminent statesman whose views have generally been adverse to those held by Southern leaders: "The Southern delegates (to the Charleston convention of 1860) demanded a platform which should embody the constitutional rights of the slave-holder, and they would not qualify or conceal their requirements. If the North would sustain those rights all would be well. If the North would not sustain them, it was of infinite moment to the South to be promptly and definitely advised of the fact. The Southern delegates were not presenting a particular man as a candidate. On that point they would be liberal and conciliatory. But they were fighting for a principle, and would not surrender it or compromise it." (Blaine, p. 158.)

Mr. Jefferson Davis offered a series of seven resolutions in the Senate, February, 1860, in order to define the position of his associates, on which the division of opinion among Senators, as shown by the vote on the first of the series, was wider than the slavery question. That resolution prescribed the principles which had early separated the Federalists and the old "Constitutional Republican party" led by Jefferson. The resolution re-affirmed the doctrine that the Union resulted from a Constitution ratified by States as independent sovereignties equal in all rights, and that no States could intermeddle with the domestic institutions of other States. They expressly asserted that the Union existed by a constitutional compact, which the Senate of the United States was specially charged with preserving. Upon taking the vote this first resolution was affirmed by the solid vote of the

Southern States joined by California, Indiana, Minnesota, Oregon and Pennsylvania. It was as solemnly denied by ten Northern States in solid array, with Ohio and New Jersey divided, and with Delaware and Illinois not voting.

Conservatives divided on the fourth resolution, which denied the power of the people of a territory to abolish slavery except in framing a State constitution, but there was no portion of the seven resolutions which in any degree prepared the way for any further action through which disunion could be effected. The passage of the resolutions was a political movement, simply designed to draw the lines strictly between the States upon that issue, although it incidentally at that period, in the course of the long-continued controversy between the two ideas of our confederate Union, closed in around the question of the interference with slave property by the general government. Upon that issue the Democratic party fully expected at that time to make another successful canvass in 1860 for the Presidency, as had been done in 1856, when Buchanan was elected. The resolutions were voted for by many who remained supporters of the Union through the entire Confederate war. Five Northern States gave them their full votes. Three border States which did not secede voted for them. Mr. Douglas would have voted for the first resolution which contained the main issue if he had been present. There could have been no revolutionary intent in the minds of the Senators North and South, who were so earnestly advocating principles on which they hoped to achieve success before the people and pacify the country. The vote, in fact, was not strictly a party vote, although designed especially to favor one particular party organization. Crittenden, Pearce and Kennedy, Old Line Whigs, supported the first resolution with as much heartiness as any Senators. That there were individual disunionists who were favorable to disunion *per se*, there can be no

doubt. New England had contained many of that class, and fully as many could be found in the South. But disunion as the remedy for agitation was not then declared by any influential body of Southern people, and certainly it does not appear in any sense concealed or patent in this action of the United States Senate. Mr. Davis, the mover of the resolutions, was a Union man. The Northern people did not then and have not since understood Mr. Davis' position, because their judgment has not been fully allowed that fair play which will eventually set him in clear light before young men, as Mr. Lincoln has long since been made known to the South. Mr. Stephens, whose just judgment no man can question and whose political relations to Mr. Davis were not of such an intimate and cordial character as to place him under suspicion of speaking from undue partiality, says of Mr. Davis, as he viewed him at the date of this action of the Senate and since: "I always regarded him as a strong Union man in sentiment so long as the Union was maintained on the principles upon which it was founded. He was without doubt a thorough State rights, State sovereignty man. He believed in the right of secession, but what I mean to say is, that in my opinion he was an ardent supporter of the Union on principles as he understood them, upon which and for which the Union was formed. There were, as I have said, many public men among us who, after these resolutions passed the Senate, and after the Presidential canvass was opened upon them, and the various issues presented in the party platforms of the day, were openly for secession in case Mr. Lincoln should be elected upon the principles upon which he was nominated. But Mr. Davis, so far as I know or believe, did not belong even to this class. If he was in favor of secession upon the grounds of Mr. Lincoln's election, I am not aware of it. He certainly made no speeches or wrote any letter for the public during that canvass that indicated such views or purposes.

I never saw a word from him recommending secession as the proper remedy against threatening dangers until he joined in the general letter of the Southern senators and representatives in Congress to their States advising them to take that course." (Stephens' War Between the States, vol. 2, p. 416.) Mr. Davis, in his short history of the Confederate States, mentions a fact bearing directly on his general political reputation as a Union man. Referring to the pending gubernatorial election in Mississippi, 1851, he recalls the fact that when an attempt was made to fix on the Democracy the reputation of a purpose of disunion, General Quitman withdrew from the race on account of his unpopular disunion antecedents, and he himself was induced to take his place because of his more pronounced advocacy of the Union. His own language is as follows: "My own devotion to the Union of our fathers had been so often and so fully declared, my services to the Union, civil and military, were so extended and well known, that it was believed my nomination would remove the danger of defeat which the candidacy of a less pronounced advocate of the Union might provoke. Then, as afterward, I regarded the separation of the States as a great, though not the greatest, evil."

At this critical period—the spring of 1860—there were notable men in the South who favored disunion. But they were not in power. They were men of commanding intellect, exalted patriotism, and noble character, worthy of any station. Among them Mr. Yancey, who could not control Alabama for secession; Mr. Quitman, who was set aside by Mississippi; Mr. Iverson, defeated in Georgia, and Mr. Rhett, whom South Carolina had not followed. All of these were favorites in their States, but so far as they advocated secession they were subjected to defeat. There was not one disunionist governor in the South—not one secession legislature—not one disunion judge—not a disunionist in the cabinet, or as far as was known, not one in any service of the govern-

ment. The political control in the South was in the hands of men who had safely guided the "Southern Rights" movement of 1851 into the paths of acquiescence and satisfaction with the Settlement of 1850. Southern sentiment for the Union, the Constitution, the star spangled banner, the traditions and the glory of the country, prevailed with a strength, unanimity and unselfishness never appreciated. This sentiment was well enough understood by one leader, Mr. Greeley, whose facilities for gathering information were so peculiarly great as to authorize him to say that "the South cannot be kicked out of the Union." Without designing to speak offensively he thus flatly ridiculed the warnings of 1860 uttered by Northern conservative statesmen.

Another event which familiarized yet more the public mind with the idea of division of the States was the disruption of the Democratic national convention, which met in Charleston, S. C., April 11, 1860. There were present at this convention complete delegations from all the States, South as well as North, representing the nationality of the great party then in power, and harmonious on all questions, except on the application of the doctrine of non-intervention by Congress with slavery in the territories. The power to legislate against slave property by the territorial legislature was affirmed by a close majority vote in somewhat evasive language, thus endorsing the doctrine of Mr. Douglas as against the position of the administration. Debate, dissension and further conventions followed, resulting in the antagonism of two Democratic candidates for the Presidency—Mr. Douglas and Mr. Breckinridge.

The Republican party convention met in Chicago in May, 1860, actually representing only seventeen States, all Northern. Three others were nominally represented, but in fact there was no representation of any Southern State. Thus, seventeen of the thirty-three States withdrawing from party affiliation with the unrepresented

sixteen again distinctly familiarized the public mind with the idea of secession. The convention was composed of mixed and apparently incongruous political elements. The Democratic party was agreed on all points except one, while the Republican party disagreed on all policies except the one which they made the polar purpose of the campaign. The ultras of several parties, and of no party, were present in force. The spirit of control was necessarily sectional and against nationalism. The resolutions as read for discussion named the organization the National Republican Party, but Jesup, of Pennsylvania, objected to the word "national," and it was stricken, thus emphasizing the feeling that for this campaign at least the party should be sectional. The Union was riven by a convention aspiring to its control into two parts, and the sole reliance for victory was placed on the Northern part. Thus the idea developed still clearer that "the Union could not exist half free and half slave." A distinguished jurist of New York said—August, 1860—that this political action "is a conspiracy under the forms but in violation of the Constitution of the United States." Its success assured the control of the government, not by the will of the majority of the people, nor by a majority of the States located in all sections, but by the power of a unified geographical area whose strength in combination could seize and use the powers of the government. The United States are governed by party. If the party in power be sectional, the use of the powers of the Union and the distribution of its benefits will be mainly sectional. The country generally and the South uneasily understood this to be the result when the government passed out of the hands of national statesmen.

The salient statements in the platform were against the "peculiar Southern institution," as slavery was unfairly called, for it was not instituted by the South but was most properly a trust cast upon its care by the authors of it. On the third ballot Mr. Lincoln, of Illi-

nois, was nominated for the Presidency, and immediately afterward Mr. Hamlin, of Maine, was named for the second office.

A patriotic attempt was made, chiefly by the Whigs and Americans, to make a fight for the Union under the name of the Constitutional Union Party, whose brief platform merely committed their candidates to "the Constitution, the Union, and the enforcement of the laws." The nominees of this body of conservative men were John Bell, of Tennessee, and Edward Everett, of Massachusetts. Their party and its platform were fully and fairly national.

Thus it appears that all national conservatives were scattered among divided parties, while the threatening opposition was made by one compacted organization. The canvass following these nominations differed in the South from the canvass in the North in the one circumstance, that there were no electoral tickets for Mr. Lincoln. The Southern vote was divided among Bell and Everett, Southern and Northern Whigs; Douglas and Johnson, Northern and Southern Democrats; Breckinridge and Lane, Southern and Northern Democrats. These nominees represented the East, West, North and Middle States by four candidates, and the South by two. The opposition represented the North and West alone. No platform nor speaker advocated disunion as the desire of his party, notwithstanding the prominence of that question in the general canvass. There were more avowed disunionists personally supporting Breckinridge, but, as the course of events showed, Douglas men and Bell men became secessionists as soon as "coercion" was declared. The resentment of the attempt to gain the Presidency by the calculated strength of combined contiguous States, through appeals to sectional feeling, was warmly felt and boldly declared throughout the North by the advocates of Bell, Douglas and Breckinridge, but at the South this resentment was far stronger, because all

the influence and interest of that section were felt to be involved.

The great campaign speech of Mr. Seward, August 14, 1860, designed to be representative of the policy of the new party, excited the fears of the Southern people, and, as the information reached them through the Northern papers of the progress of the canvass, their despair of the election increased. Mr. Toombs, in repeating the idea that we may have to give up constitutional safeguards in order to save the government, declared that "Our greatest danger today is that the Union will survive the Constitution." Mr. Davis and Mr. Stephens reiterated the warnings which were being given by Northern statesmen that sectional success portended the separation of North and South. Mr. Banks in answer had said, "Let the Union slide"; Mr. Greeley, that "the South cannot be kicked out"; while public speakers favoring the new party made a jest of the so-called threat of disunion. During the whole term of this contest Mr. Lincoln's personality was not in issue. His character was above reproach, and, while his course had been partisan and free soil, it was never vindictive. The South would have chosen him in a personal contest against Seward, Giddings, Banks, Hale, Stevens, and a hundred others. It was not Mr. Lincoln's election, but the domination of one area in the Union over all the Union, that the South regarded as a just cause for seeking a division of the United States.

In October it became apparent that the divided conservatives would be beaten. Attempts made too late to organize a fusion unfortunately failed, and the spirit of secession advanced rapidly throughout the South. It was at first vague, somewhat irresolute, and always conditional. But the signs of its presence became clear enough before the election in November to produce uneasiness throughout the North—yet nothing more. General Scott, being in chief command of the army and looking at the question from the military point of view,

began in October to counsel the administration of Buchanan in writing to make certain dispositions of the armies which would prevent secession. (Life of Buchanan, 1866.) A communication October 31st from Colonel Craig, ordnance officer, to Secretary Floyd, that the officer in charge of Fort Sumter desired a few small arms to be given the workmen in the fort for protection of government property, and asking authority to issue forty muskets, was approved by Floyd and the order issued. (Rebellion Rec., vol. 2, p. 100.) A meeting of a few prominent politicians at the home of Senator Hammond in South Carolina, October 25, 1860, to discuss secession, has been often named as one of the preliminaries of that event. In the meantime the fight was made most aggressively by Northern leaders. (Sherman's Recollections, vol. 2, pp. 199-203.) The States of Pennsylvania, Indiana, New Jersey and Delaware were considered doubtful, and in them the contest was warm even to violence. The strong denunciations of Southern arrogance and open criticisms of Buchanan's administration as "broken down, corrupt and demoralized," with never ceasing appeals to the anti-slavery feeling by public speakers, were reproduced in hundreds of Northern newspapers, which were circulated among Southern subscribers. The South saw itself already set aside so far as the Presidential race was concerned. It was cut off from practical participation in the election where the issue was sectional, for whether it would or would not vote could make no difference. A solid electoral Southern vote could be only its protest in the Union under the Constitution. The actual severance of the inter-state comity which made North and South one country had already so far happened that the executive and legislative policies of the United States were dependent upon the result of the conflict raging in the Northern States. It was evident that the North was about to decide the important question whether the whole country composed of all the States shall be ruled by a part of the States.

CHAPTER VI.

THE CRISIS PRODUCED BY SECTIONALISM.

THE EFFECT PRODUCED BY THE PRESIDENTIAL CONTEST OF 1860—NORTHERN RECOIL FROM THE YAWNING BLOODY CHASM—COMMERCIAL INTEREST—SOUTHERN ALARM—SOUTHERN EFFORTS TO AVOID SECESSION—RALLY OF THE NORTHERN EXTREMISTS—BUCHANAN'S PERPLEXITY—BEGINNING OF FEDERAL MOVEMENTS TO HOLD THE SOUTH BY FORCE — SECESSION MOVEMENTS IN THE SOUTH.

MR. LINCOLN was elected to the Presidency by a majority of the electoral votes of the States exclusively North, but his electoral vote represented only about one-third of the individual voters of the Union. He received 1,857,610 votes out of a few less than 5,000,000 total cast. The section which had gained a "fixed majority" of the electoral votes by States, put a President and Vice-President in office against the protesting votes of nearly three millions of the voting people of the United States, and it should be observed that even a united vote of the anti-Lincoln electors would not have changed the result. A minority of States and of people placed a new administration in power. The election was legal according to the letter of the law, but this singular subjection of majority to minority with its coincident paralysis of the voting power of the States in the South, occurred through the divisions of the national conservative voters. The official count of the votes was made in due time according to established usage, whereupon Vice-President Breckinridge made the announcement of Mr. Lincoln's election amid

the profound silence of assembled Congress, nor was the proclamation saluted by a single cheer from the multitude present in the capital at the time. More than regret was felt at the result of this election in quite every part of the United States. The feeling that a wrong had occurred in the Republic under legal procedure at the ballot box prevailed North as well as South. The national sense of propriety, of fairness, of generosity was wounded. Northern States had banded together to use the power of the State electoral vote under constitutional forms in order to acquire political ascendency; giving only the one reason for this movement, that the Southern States possessed property under the same Constitution which ought not to be recognized. Regret was quickly followed by anxiety for the consequences. The North became excited with apprehensions of danger to the Union, and public meetings were held in Northern cities to express the sentiments of the people. (Lunt, 382.) The imports of specie, always sensitive, began to decrease. Orders from America to Europe countermanded the orders previously sent, and foreign trade fell off. Southern buyers of Northern goods, and Northern sellers were in mutual distress. The tremblings of general intersectional trade manifested the dangers into which the peculiar system of interstate commerce had been precipitated. The prices of securities fell and government credit went down. All business became depressed. The mails bore tons of letters and circulars from manufacturers and merchants deprecating disunion, and presenting in strong terms the damage that would follow sectional divisions. Business men publicly stated the great value of the South to the Union and to the trade of the North. "The North derives from forty to fifty millions revenue annually from Southern consumption through the tariff. The aggregate trade of the South in Northern markets was estimated at $400,000,000 every year." One statement was made that the North

enjoyed a profit of $200,000,000 per annum out of its Southern business.

Within five weeks after the election Northern efforts were strenuously put forth to avert secession. (Blaine.) Chief Justice Shaw, lately of the Supreme court of Massachusetts, united with about thirty eminent citizens of his State in an address, strong in declarations of existing perils, and urging State action to soften the blow which had fallen. A great mass meeting was held in Philadelphia to assure the South that the impending dangers would be averted. Jere Black, of Pennsylvania, denounced "the success of the Republican party as a portent of direst evil," pronouncing the fears of the South natural, and their serious protest to be justifiable. (Blaine, 231.) The elections in December in many places showed a decrease of Republican strength. This meager summary imperfectly shows the apprehensions of civil trouble which now startled the thoughtful non-partisan Northern population.

But in these thirty critical days, following the presidential election, the disunion spirit both North and South countervailed the conciliatory efforts of patriots everywhere. There was a strong sentiment for separation existing in the North as well as the South. Its presence was evinced by the declarations of leaders like Senator Wade, who said in public speech to his people: "You have no Union today worthy of the name. I am here a conservative man, knowing as I do that the only salvation to your Union is that you divest it entirely of the taint of slavery. If we cannot have that, then I go for no Union at all, but I go for a fight." Mr. Chase advised that "the South is not worth fighting for." Andrew Johnson declared that Mr. Sumner wanted to break up the government. Mr. Beecher pronounced the Constitution as the foundation of the troubles because it attempted to hold together two opposing principles which will not agree. The Tribune, while ridiculing the Southern

people as "misguided, excited brethren," announced that "if they choose to form an independent nation they have a moral right to do so."

The recoil, however, from the commercial results of sectional ascendency, and the manifestations of angry willingness in the North to have the Union relieved of the South and its institutions, were by no means universal. Exasperating expressions uttered by the rallying supporters of the new policy still more counteracted the sincere endeavors of many great leaders North and South to allay the engendered feeling. The spirit of coercion, if that should become necessary, very quickly answered the fears expressed that the valuable South might be lost. (American Conflict, 356, 397.) Politics of a party character began to work. (Blaine, 274.) The radical press ridiculed the address of Judge Shaw and his distinguished associates, and the great war Governor of Massachusetts recommended in his message no concessions to the rebellious South, intimating that if the South seceded it would suffer the bloody fate of St. Domingo. "The sentiment of nine-tenths of the Free States," said another leader, "is opposed to compromise of principle. These men want no compromise with slave labor, no unfair competition between their adventurous toil and the investments of Southern capital." Mr. Sherman, who was decidedly the most intellectual statesman of his party, and a strong partisan as he states for himself, submitted to the Philadelphia meeting his opinion that the Union of all the States must be maintained "under all circumstances against all enemies at home or abroad. Disunion is war! God knows I do not threaten it, for I will seek to prevent it in every way possible." (Sherman's Recollections, p. 208.) A horrible suggestion was made by others in order to show how powerless the South was, that when the United States made war upon seceded States servile insurrections would secure a speedy subjugation. But this suggestion was promptly

rebuked by such men as Edward Everett, who pronounced the reliance on butchery of Southerners by negroes as monstrous. Even this abated discussion of any supposed rising of the Southern slaves shows the inflamed condition of public sentiment, while it also disclosed the general ignorance of the relations existing between master and slave in the South. The waiting of the negroes for war to end, while remaining faithful to the close, surprised the North and evoked the generous spirit of the South.

It must be borne in mind that there was no universal hostility existing between the people at large of the two sections. The angry fires burned at first in the hearts of the few, who in sheer partisanship or in some degree of fanaticism, regarded the issues North and South as an irrepressible conflict indeed.

But there were many strong ties binding the citizenry of the two sections in friendly unity. Business relations may be mentioned first as extending into every Southern town whose merchants traded in the Northern cities. Social ties, formed among families, who by the thousands had mingled in the summer months especially. There were also strong political affinities of Southern and Northern politicians. College attachments began in many Northern colleges where the Southern youths were sent to be educated. Army and navy comradeship existed among the officers. Intermarriages were numerous. Northern born men who had come South left behind them great numbers of kindred.

Turning from consideration of the public apprehensions existing in the North, and surveying the South, we discover equal evidences of alarm. The South saw that it was a loser whether it remained in the Union or separated from it. An uneasy feeling pervaded the masses and extended among the commercial men in Southern towns. Capital became alarmed. All classes of business felt the shock of the apprehension of evil. Trade

was disturbed, investments ceased and general commerce was restrained. Money was hoarded and a cloud of financial distress began to rise. The banks of the South, being in close correspondence with those of the North, gathered in their resources and looked forward to necessitated suspension. The South had cherished an idea that Lincoln could not be elected. The possibility was at first contemplated, and urged as a ground of opposition to him, by all lovers of fraternal Union throughout the United States. His party was regarded awhile by all political bodies South as their common enemy. But divisions having taken place, and the sectional hostility developing more and more, the possibility grew rapidly during the canvass into a saddening probability, ending at last in a despairing certainty. The extreme Southern States especially were shocked by the news of the disastrous defeat of all conservative candidates by the one sectional candidate. Indignation and fears expressed by individuals, were taken up by the crowds which met in the streets of towns and cities. Public meetings were called to consider the situation. Legislatures in session at the time took up the dreadful question. Governors of States either sent special messages to the assembled legislators, or in States where the legislature was not in session, the governors took other official notice of the event. Governor Brown, of Georgia, advised a restraining course of legislation against such States in the North as had enacted laws hostile to the South, and also a discrimination against the manufactures or other products of such States. The election of Lincoln was held even by Union men in the South to be a violation of national comity that should be submitted to only temporarily. The election was conceded to be constitutional, although effected by scarcely more than one-third of the popular vote, and hence could not be resisted on the plea of illegality. They agreed, that inasmuch as the whole South was not united on secession,

it would be wise to wait long enough to secure co-operation. It was also hoped that the delay of a few months would increase sympathy on behalf of the South, and the North would have time to do justice. The South was not prepared to go to war and in the opinion of many "Secession meant war and war only." Some thought that sufficient efforts for reconciliation had not been made and urged the exhaustion of every remedy prior to secession. "It is our duty," said these earnest men, "to preserve our government for the sake of its example to all people desiring the benefit of our free institutions." Their plan was to call State conventions with the purpose of sending authorized delegates to a general convention of Southern States, which would make the Southern demand for a fraternal settlement. If such a settlement be refused then the whole South should withdraw together and form a separate government.

"The time has come," said these Southern Union men, "for the settlement finally of sectional questions upon an enduring and unequivocal basis," and they proposed to entrust to a general conference of Southern States the duty of declaring what that basis should be. Mr. Toombs, in a letter to citizens of Virginia early in December, recommended delay of separate State secession until after the fourth of March, the day of Mr. Lincoln's inauguration, and also that some immediate action be taken by Northern States favoring new constitutional guarantees, and other evidences of their purpose to cease sectional hostility. Within the four months yet before the inaugural, the South could be made contented to remain in the Union, even under a sectional administration, but if no such action be taken, if this test should fail to show Northern fraternal spirit, then the time for action would be brought on. Mr. Toombs also thought at that time, early in December, that this much of delay was due the hopeful men who believed redress could be obtained without disunion.

These views in the South concerning co-operation of Southern States in common policy were exceedingly popular during November and December, 1860. Their popularity, however, was decreased by the open opposition to any compromise by the controlling radical element in the victorious new party. The conciliatory voice of the commercial interests, and the pathetic pleadings of such men as those who had assembled in various Northern cities to allay the unseemly strife, were drowned by the cry that the party which had won the fight must dictate the policy of its administration. It was further answered that the action of a convention of States to secede together, would be a combination violating the expressed prohibitions of the Constitution, and that there was, according to the judgment of jurists, no legal secession except by separate State ordinance. Disunion by separate secession, therefore, grew rapidly in the favor of several States before the date of Carolina's ordinance of secession.

The month of November was crowded with significant events, which may be mentioned in brief terms: In accordance with its own law the legislature of South Carolina met November 5th to choose its presidential electors, but the absorbing question was the course the State should pursue. Resolutions were offered in the Senate proposing secession by co-operation with other States which were supported by a few members. (Am. Conflict, 333, 335.) Meanwhile an inspection of the forts was going on by orders of Mr. Floyd, secretary of war, who was known to be opposed to secession. (Records, II, 70, 74, 76.) The United States officers in Forts Moultrie and Sumter displayed unusual activity in work upon their respective positions. The Georgia legislature met on the 8th and the message of its governor foreshadowed to South Carolina the co-operation of his State. Mr. Stephens threw all his influence against secession in a speech of remarkable power, and opened an

unsatisfactory correspondence with Mr. Lincoln in regard to his policy. The Louisiana legislature, after discussion, proposed a convention to be held at once. Greeley so severely attacked the South as to draw out replies from Governor Seymour and others. The reports made daily by the Southern press of proceedings at the North, and the unsatisfactory course of the Buchanan administration, only deepened the convictions of South Carolina, and amidst the conditions of public sentiment no other course except that of a call for a convention of the State could have been taken. By the mere accident that under the old usage of this State its legislature met at the time of the presidential election, the responsibility of leading in secession fell upon South Carolina, and hence on the 12th of November the legislature passed the bill to call a convention, but placed the time of its assembling December 17th, more than six weeks from the presidential election, giving ample time in the emergency for a full vote of its people.

The legislatures of Georgia, North Carolina, Mississippi and Alabama met during November, and were followed by other States in the call for separate State conventions. Thus early, and in ample time for initiating an adjustment, the administration of Buchanan was summoned to the high duty of making the Union secure, and the interests of all sections safe, even under the rule of the geographical party by which it had been defeated.

CHAPTER VII.

OPPORTUNITY TO STAY SECESSION LOST.

YET FOUR MONTHS OF POWER—BUCHANAN'S VACILLATION—OPINION AGAINST COERCION—SCOTT PROPOSES FORCE—MAJOR ANDERSON INSTRUCTED—REINFORCEMENT OF SUMTER CONSIDERED—UNITED STATES CONGRESS TAKES UP THE CRISIS—CRITTENDEN, STEPHENS AND DAVIS IN AND OUT OF CONGRESS PLEAD FOR AN ADJUSTMENT—COMMITTEE OF THIRTY-THREE AND COMMITTEE OF THIRTEEN.

THERE were yet four months of the Buchanan administration, from November 3, 1860, to March 4, 1861, during which time the majority of the people favorable to the peaceful settlement of all issues between themselves and the South had control of the government and power to define its policy. The folly of division among those who had supported national parties was now clearly seen, and early in November the temper of the North was conciliatory, and the sentiment in the South, except South Carolina, was stronger for the Union than against it. President Buchanan had already suffered by the breach in his party, and now had sufficient cause to fear that a broken Union would pass from his hands into the direction of the triumphant Republicans. Unfortunately, he seems to have despaired at once of any arrest of the progress of secession, and only hoped to cast the responsibility of making war upon his successor. In this condition the South was without power over the Northern States and without substantial influence in the general government. Although its friends were victorious in the general ballot, they were

beaten in the electoral vote, and now the South was in a fixed minority, utterly unable to pass any resolutions in Congress, or direct any act of the President.

It has been unjustly said of President Buchanan that "not a step was taken by his administration before the meeting of Congress in December to arrest the progress of secession." It is true that the President manifested irresolution as to the methods he should adopt to stay the movement of the South, but there is no proof that he was influenced to consent to the withdrawal of any State. His apparent vacillations were those of a man whose purpose was fixed, but whose mind failed to comprehend the means that should be used. Hence he threaded his way painfully through an ever-thickening maze of difficulties, until he wearily dragged himself to the mark where his official responsibility ceased. His cabinet, with a controlling majority composed of anti-secessionists, had consulted often on the policy of the government in the one absorbing question. Even in October Gen. Scott's plans to make secession impossible, were respectfully considered and rejected because they were impracticable. Such a movement of the United States troops, as proposed by Gen. Scott, toward the forts and garrisons in the South, making plain the purpose "to pin the South to the Union by bayonets," would have precipitated war before the election, and resulted in the capture of the entire regular army in detail. It was therefore declined, and the attention of the administration was turned toward the abandonment of South Carolina to its secession purposes, in the hope of confining the movement to that one State. The resignations of Federal judicial officers in South Carolina occurred in November, but so far as other functions of government could be performed they were still executed as if no discontent prevailed, and in the meantime Mr. Floyd, secretary of war, ordered Col. Porter, November 6th, to inspect troops and fortifications in Charleston Harbor, who made the inspection and re-

turned a full report on the following week. The work on the several forts was increased through the energies of Captain Foster and Major Robert Anderson. Major Anderson, under instructions from Secretary Floyd, reported the improved condition of the forts, made further suggestions as to the best means of making any attack from Charleston futile, and said significantly, "There is not so much feverish excitement as there was last week, but that there is a settled determination to leave the Union and to obtain possession of this work (Fort Moultrie) is apparent to all. . . I do, therefore, most earnestly entreat that a reinforcement be immediately sent to this garrison, and that at least two companies be sent at the same time to Fort Sumter and Castle Pinckney—half a company under a judicious commander sufficing, I think, for the latter work. I feel the full responsibility of making the above suggestions, because I firmly believe that as soon as the people of South Carolina learn that I have demanded reinforcements and that they have been ordered, they will occupy Castle Pinckney and attack this fort. It is, therefore, of vital importance that the troops embarked, say in war steamers, shall be designated for other duty." (Records, I, 75.)

Thus early the administration was brought to consider the question of reinforcement as an act of war. Maj. Anderson advised the reinforcement secretly by the strategy of designating in public orders the expedition for other duty, but in reality to relieve and strengthen the forts in Charleston Harbor. Captain Foster advised that "in case the department does not consider it expedient to send troops" there should be a corps of employes armed to be effective as soldiers in an emergency. The administration adopted Foster's suggestion at once and took that of Maj. Anderson into the consideration which its gravity demanded. (Records, I, 77.)

It thus appears that during two months before the withdrawal of South Carolina, the administration, through

the energetic action of the general-in-chief and its military officers in South Carolina, did whatever was in its power short of an open act of hostility to make the secession ineffective. What it did, however, was irritating to the people since all the proceedings of the government were well understood in Charleston and all exhibited the purpose of Mr. Buchanan to hold the forts if possible against any attempt of South Carolina to occupy them. It is just to say that the administration of Buchanan did enough in November toward strengthening the harbor defenses in its possession, to justify the apprehensions of the people of Charleston that their city might be cut off from the world, and be made defenseless in the event that South Carolina seceded. (Life of Buchanan.)

President Buchanan fortified his policy by asking very early in November the official opinion of Attorney-General Black, which was delivered on the 20th of the month. According to that opinion the President had only the duty of executing the laws of the Union, without resorting to military force against a State declaring its withdrawal from the Union. He said, "If it be true that war cannot be declared nor a system of general hostilities carried on by the General Government against a State, then it seems to follow that an attempt to do so would be *ipso facto* an expulsion of such State from the Union. Being treated as an alien and an enemy she would be compelled to act accordingly; and if Congress shall break up the present Union by unconstitutionally putting strife and enmity and armed hostility between different sections of the country instead of the 'domestic tranquillity' which the Constitution was meant to insure, will not all the States be absolved from their Federal obligations? Is any portion of the people bound to contribute their money or their blood to carry on a contest like that?" Upon the legal opinion of this great constitutional lawyer from Pennsylvania and on the judgment of his cabinet, com-

posed of Cass of Michigan, Floyd of Virginia, Toucey of Connecticut, Cobb of Georgia, Holt of Kentucky, Thompson of Mississippi, and Black of Pennsylvania, none of whom were disunionists, unless Mr. Cobb of Georgia be so considered, the President held to his declared policy until the assembling of Congress.

In addition to these efforts to preserve the *status quo*, President Buchanan called to Washington from various sections of the Union a number of patriotic and eminent men to get their counsel on the grave situation. This was done also in November, previous to the assembly of Congress, and among the number thus summoned was Mr. Jefferson Davis, senator from Mississippi. Mr. Davis, in speaking of events preceding hostilities and of the prominent civil actors remarked, "Mr. Buchanan was an able man but a timid one. If he had had the nerve to deal with the situation as its gravity demanded, I doubt exceedingly whether any other State South would have followed South Carolina into secession. Had he withdrawn the troops from Sumter, it would have been such a conspicuous act of conciliation that the States would not, I believe, have called conventions to consider the act of secession, or if they had, the ordinances would not have passed. I was not one of those who believed that there could be a peaceable separation of the States but could not convince our people of it."

The United States Congress met December 3rd, 1860, all States being represented in the House, and all in the Senate except South Carolina, whose senators did not occupy their seats. The message of President Buchanan, after describing the great prosperity of the United States, asks the question, "Why is it then that discontent now so extensively prevails?" And the true answer is given that " the long continued and intemperate interference of the Northern people with the question of slavery in the Southern States has at last produced its natural effects. The different sections of the Union are

now arrayed against each other and the time arrived so much dreaded by the 'Father of his Country' when hostile geographical parties have been formed." The message discussed with clearness the just complaint made by the Southern people against the sectional and meddlesome legislation of Northern States and on this the language of this Northern-born President is as strong in its presentation of Southern views as can be found in any speech made by such representative leaders as Mr. Crittenden, Mr. Stephens, Mr. Mason and Mr. Jefferson Davis. Referring to the ease with which the disturbing cause could be removed and peace restored to the distracted country, the venerable President said, "How easy would it be for the American people to settle the slavery question forever and to restore peace and harmony to this distracted country! They, and they alone can do it. All that is necessary to accomplish the object and all for which the slave States have ever contended is to be let alone and permitted to manage their domestic institutions in their own way. As sovereign States, they, and they alone are responsible before God and the world for the slavery existing among them." The message censured the nullification laws of several Northern States called Personal Liberty bills and declared that the other States had the right to demand their repeal as an act of justice. "Should this be refused, then the Constitution to which all the States are parties will have been willfully violated by one portion of them in a provision essential to the domestic security and happiness of the remainder. In that event the injured States, after having used all peaceful and constitutional means to obtain redress, would be justified in revolutionary resistance to the government of the Union." The position taken in the message that secession was unconstitutional but coercion was equally so, subjected the President to severe criticism. He was accused of evading the duty devolved on him of settling the dispute by a vigorous resistance to

the spirit of secession, or by the acquiescence of the United States in an act which was deemed deplorable but nevertheless constitutional. The South rested its case on the justification of resistance and not on the form of resistance. If revolutionary resistance was justifiable, the justification of secession was proved, since in its worst aspect secession by States can only be revolution by their people.

These official declarations of the President were regarded as of somewhat doubtful interpretation and therefore did not give satisfaction. Yet the general effect of the message throughout the South was to induce further effort in the direction indicated by the Virginia speech of Mr. Toombs to secure protection against sectional aggression by the new administration before the final step of revolution or secession should be taken. It strengthened the hope of the Union men in the South, that speedy action might be taken in accordance with the plan of the President, to make such constitutional amendments and such State legislation as would secure the Southern States against external assaults upon their property, leaving them to deal with the troublesome problem in their own way.

The message was referred to the House committee of thirty-three, one from each State appointed by the speaker, but this committee was regarded by many members as being unfortunately or ominously constructed, since there were sixteen members taken from the supporters of Mr. Lincoln who represented a little more than one-third of the voters in the United States, and also because "there was not a single representative of the National Democratic party on the committee from the sixteen free States." Mr. McClernand, of Illinois, denounced the manner in which the committee had been constituted by Speaker Corwin as an offensive discrimination against the Northern Democracy. (Cong. Globe.)

When the Senate received the message, an intensely

interesting discussion occurred at once. Mr. Clingman, of North Carolina, said that "the general tone of the message is eminently patriotic, but it falls short of stating the case now before the country. It is not merely that a dangerous man has been elected to the Presidency of the United States. We know that under our complicated system that might very well occur by accident and he be powerless; but I assert that the President-elect has been elected because he was known to be a dangerous man. He avows the principle of the 'Irrepressible conflict;' he declares that it is the purpose of the North to make war upon my section until its social system has been destroyed and for that he was taken up and elected. That declaration of war is dangerous because it has been endorsed by a majority of the votes of the free States in the late election. It is this great, remarkable and dangerous fact that has filled my section with alarm and dread for the future." Mr. Lane, of Oregon, said, "It is the principles upon which the late election has taken place that have given rise to the trouble. Never in any previous presidential election has the issue been so fully put, so directly made as in the late one." Mr. Brown, of Mississippi, asked, "Do you mean to say that we shall neither have peace in the Union, nor be allowed the poor boon of seeking it out of the Union?" Mr. Douglas declared that he was "willing to act with any party, with any individual of any party who will come to this question with an eye single to the preservation of the Constitution and the Union." Mr. Jefferson Davis, following Mr. Douglas, stated that he did not intend to enter into a statement of grievances. "I do not here intend to renew the war of crimination which for years past has disturbed the country and in which I have taken a part perhaps more zealous than useful; but I call upon all men who have in their hearts a love of the Union, and whose service is not merely that of the lip, to look the question calmly but fully in the face that they may see the true

cause of our danger, which from my examination I believe to be that a sectional hostility has been substituted for a general fraternity and thus the government rendered powerless for the ends for which it is constituted. Then, where is the remedy? the question may be asked. In the hearts of the people, is the ready reply; and therefore it is that I turn to the other side of this chamber, to the majority section, to the section in which have been committed the acts that now threaten the dissolution of the Union. I call on you, the representatives of that section, here and now to say so if your people are not hostile, if they have the fraternity with which their fathers came to form the Union; if they are prepared to do justice; to abandon their opposition to the Constitution and the laws of the Union; to recognize, and to maintain, and to defend all the rights and benefits the Union was designed to promote and to secure. Give us that declaration; give us that evidence of the will of your constituency to restore us to our original position when mutual kindness was the animating motive and then we may hopefully look for remedies which may suffice;—not by organizing armies, not so much by enacting laws, as by repressing the spirit of hostility and lawlessness, and seeking to live up to the obligations of good neighbors and friendly States united for the common welfare."

Pending the general discussion a resolution was offered to appoint the Senate committee of thirteen to consider and report on the present agitated and distracted condition of the country, which was at length adopted. The committee was appointed December 20th, composed of Powell, Hunter, Crittenden, Seward, Toombs, Douglas, Collamer, Jefferson Davis, Wade, Bigler, Rice, Doolittle and Grimes. Mr. Crittenden also offered his celebrated resolutions, upon which the eminently patriotic senior senator hoped that peaceful agreement might be reached. These resolutions provided that certain amendments to the Constitution prohibiting slavery in all territories

north of 36° 30′; and allowing its existence in territories south of that line, but requiring admission of States with or without slavery as the constitution of new States may provide. Also forbidding Congress to abolish slavery in any place within the limits of the slave States, or in the District of Columbia as long as it exists in Maryland or Virginia. The resolutions also provided for payment to the owner of a fugitive slave the value of his property where the restoration was prevented, and expressly reaffirmed that Congress had no power to interfere with slavery in the States.

CHAPTER VIII.

SECESSION MADE INEVITABLE.

VIGOROUS WORK TO STRENGTHEN FORT SUMTER—CABINET OFFICERS RESIGN—BUCHANAN'S POLICY LOOKS WARLIKE—SEWARD CALLS SECESSION A HUMBUG—LINCOLN INSTRUCTS AGAINST COMPROMISE—ELECTION IN SOUTH CAROLINA AND SECESSION ORDINANCE PASSED—COMMISSIONERS FROM SOUTH CAROLINA SENT TO WASHINGTON—ANDERSON'S STRATEGY IN MOVING FROM FORT MOULTRIE AN ACT OF WAR—LINCOLN IN DECEMBER ADVISES SCOTT TO HOLD THE FORTS OR RETAKE THEM—FAILURES OF PEACE MEASURES IN CONGRESS—THE DARK DAY.

SUSPENDING attention to the action of Congress during December, it will be observed that events were thickening the political sky of the Union, of which a mere summary is all that need be given. December 1st, Maj. Anderson informs Adjutant-General Cooper that South Carolina regards the landing of stores at the forts, and the proposed vigorous work to put them in a state of defense as acts of aggression and advises the government to determine at once its course in the event of the secession of the State. Mr. Floyd, secretary of war, instructs Anderson, December 11th, to avoid every act which would provoke aggression, but to hold possession of the forts and if attacked to defend them to the last extremity. The South Carolina State government resolves to permit no assault by any unorganized body of men on the forts and to await the assembling of the convention. Mr. Cobb, secretary of the treasury, resigns, assigning as his reason that his duty to Georgia demanded it, and the vacancy was supplied by the appointment of Mr. Philip

F. Thomas. Mr. Cass, soon afterward, December 12th, resigned the portfolio of state on account of his disagreement with the administration on the question of reinforcement of Anderson at Charleston Harbor, and Attorney-General Black assumed his place. Mr. Stanton enters the cabinet as attorney-general. Public discussions take place in many Southern States and elections are held for delegates to State conventions. A public meeting was held in Baltimore to hear the speech of a commissioner from Mississippi. The State of South Carolina secedes December 20th, and appoints Barnwell, Adams and Orr commissioners to proceed to Washington to treat for the possession of the United States property within the limits of that State. A public meeting held in New York City, December 22d, was addressed by Mr. Seward, in which he expressed the opinion that the example of South Carolina would not be followed by many other States and that for every State that will go out there will be two to take its place glad to come in. ' You will see Canada and all the Mexican States rushing in to fill up the vacancy." Pronouncing secession a humbug and a delusion, he avowed that no State should be allowed to secede, advised coolness and kindness, with the prediction that the suns of sixty days will give a brighter atmosphere. (Ency. Am. of 1861, p. 530.) During this eventful month the President-elect, Mr. Lincoln, was in active correspondence with the leaders of his party in which he early gave the advice, " prevent as far as possible any of our friends from demoralizing themselves and our cause by entertaining propositions for compromise of any sort on slavery extension. There is no possible compromise upon it but which puts us under again and all our work to do over again." (Reminiscences, p. 30.)

The secession of South Carolina from the United States was effected by the ordinance of a convention elected by qualified voters of the State under the provisions of the act of its legislature. The act of the conven-

tion is properly called an ordinance because of its supremely important character, and it is noticeable that all measures were adopted which would give dignity to this extraordinary assertion of the sovereignty residing in the people of the State. It was by the accident of its legislature being assembled according to the usage of South Carolina to choose presidential electors, that this State gained its distinctive precedence in the procession of States into the Confederacy. In the report of one of the committees of the convention the belief is expressed that "the sister States of the South will correctly interpret our action in taking the initiative as arising by no means from any presumptuous arrogance, but from the advanced position which circumstances have given to this State in the line of procedure for the great design, the rights, the security and the very existence of the slaveholding South."

The South Carolina legislature being in session on the presidential election day directed the vote of the State to be cast for Breckinridge and proceeded on the next day to consider the grave situation created by the success of the sectional party. An act carefully worded was passed calling for a convention of the State to meet at Columbia, December 17th, and providing for the election of delegates. The retiring governor, Gist, in his final message expressed his trust that "by the 28th of December, no flag but the Palmetto will float over any part of South Carolina," and his successor, Governor Pickens, in his inaugural condemned "the great overt act of the people in the Northern States at the ballot box in the exercise of their sovereign power at the polls from which there is no higher appeal recognized under our system of government in its ordinary operations." After passing the convention bill and a few other measures called for by the proposed secession the legislature took a recess until the 17th day of December, which had been designated as the day on which the convention was to assemble.

Immediately after the adjournment of the convention the people of the State nominated candidates and proceeded with the election according to the law of the State. The most eminent and conservative citizens were selected as delegates and when the convention assembled at noon, December 17th, 1861, it was found to be composed of the most intelligent members of the commonwealth. Mr. David Jamison was selected as president and the convention adjourned to meet at Charleston the next day. On assembling in Charleston a committee to draft an ordinance of secession was appointed composed of Inglis, Rhett, Chestnut, Orr, Maxcy Gregg, Dunkin and Hudson. In addition to this committee others were appointed on relations with the Southern States, on foreign relations, on the State constitution and one to prepare an address to the people of the South.

After two days the first committee appointed to draft an ordinance of secession made their formal report, submitting with it for the consideration of the convention the following measure:

"An ordinance to dissolve the Union between the State of South Carolina and other States united with her under the compact entitled, 'The Constitution of the United States of America.'

"We, the people of the State of South Carolina, in convention assembled, do declare and ordain and it is hereby declared and ordained that the ordinance adopted by us in convention on the twenty-third day of May in the year of our Lord One Thousand Seven Hundred and Eighty-eight, whereby the Constitution of the United States was ratified, and also all acts and all parts of acts of the General Assembly of the State ratifying amendments of the said Constitution, are hereby repealed, and the Union now subsisting between South Carolina and other States under the name of the United States of America is hereby dissolved."

The convention was fully prepared to vote and the ordinance was passed unanimously. Thus South Carolina was placed in political relations where the State stood on the date of the Declaration of Independence, July 4th, 1776. The passage of the act was followed by a ceremonial signing, which was done in the presence of the governor and both branches of the legislature, after which President Jamison announced, "The Ordinance of Secession has been signed and ratified, and I proclaim the State of South Carolina an independent commonwealth." On the 24th Governor Pickens issued his formal proclamation, announcing the same event and declaring to the world that South Carolina "is, as she has a right to be, a separate, sovereign, free and independent State."

The "Address of the convention to the Southern States" and the "Declaration of the causes which justify the secession of South Carolina from the Union" were read and adopted after full debate. The committee on relations with Southern States advised the appointment of a commissioner to each State convention as the bearer of our invitation to unite in forming a Southern Confederacy under a Constitution similar to that of the United States. The convention passed provisional regulations for continuing commerce and administering State government in all departments, thus securing the people against anarchy.

The distinguished commissioners to the United States appointed by the convention—Mr. Barnwell, Mr. Adams and Mr. Orr, reached Washington on the 26th, and on the 28th sent in their credentials with a letter to the President. By the untimely and unadvised maneuvre of Maj. Anderson at this juncture, December 27th, in removing his command from Fort Moultrie to Fort Sumter, spiking the guns, burning the carriages and cutting down the flag staff, the situation was suddenly and fatally changed. This warlike strategic movement

caused the South Carolina military to occupy Fort Moultrie and Castle Pinckney, producing a movement of troops under arms and placing them at once in hostile attitude. This movement was made by the gallant Anderson under a rumor that he was about to be attacked. He acted under a mistake but nevertheless his maneuvre was an act of military hostility. It was doubly unfortunate because it violated the understanding between the President and the South Carolina authorities, and now broke off the negotiations between the commissioners and the President. Mr. Buchanan stated that Maj. Anderson acted upon his own responsibility and without instructions and that his first promptings were to command him to return to his former position, but now he accepted the act and declared he would defend Fort Sumter.

It is probable that verbal interviews with Maj. Anderson were more extensive than appears in the written memorandum, and that this officer had been impressed with the fact that the responsibility would be laid upon him as the military commander in order that the civil authorities might escape without reproach. It is inferred from the last clause of the instructions to Anderson that the pledge not to change the military status of the forts should be broken whenever he deemed it prudent to evacuate one or more forts in order to concentrate upon another.

South Carolina, however, was relying upon no reinforcement being attempted and no changes taking place in the military status. The Federal administration was therefore compelled to defend itself against the charge that the pledge had been secretly disregarded and was now openly broken. Buchanan assured the commissioners that when he learned that Anderson had left Fort Moultrie for Sumter his first promptings were to command him to return, but excused his neglect to pursue this wise course on the plea that this could only have been done

with any degree of safety to the command by the concurrence of the South Carolina authorities. He does not state that he knew of this movement on the morning of the 27th and that he could have sent instructions to Anderson by telegram within an hour. His hesitation throughout the days of the 27th and the 28th and even to the 31st, which is the date of his reply, to take the step dictated by the promptings of his best judgment, put him and his government in the wrong, and justified Carolina in the general belief that the plighted faith of the United States had been violated. On the 27th the South Carolina flag was raised over Pinckney and on the night of the 27th South Carolina troops occupied, without firing a gun, the abandoned Moultrie. The State was at that time claiming to be an independent republic entitled to occupy all the forts within its territory. It was peacefully waiting for them to be evacuated. It had kept its plighted word to the United States government. There appeared to be no other course to pursue except the occupation of the deserted fort. Buchanan complains that the State without waiting for or asking for any explanations and doubtless believing that the officer had acted not only without but against the President's orders, on the very next day after the night when the removal was made, seized by a military force two of the three Federal forts in the harbor of Charleston and covered them under their own flag instead of that of the United States. The State of South Carolina and the South generally construed this movement of Maj. Anderson as an act of war, a hostile maneuvre, authorized by his own understanding of the real intentions of his government. Anderson desired to avoid bloodshed by an act in itself hostile but which would deter the Carolinians from making an attack. He gave up two forts to make himself strong in the third and by doing so committed the act of war. The citizens of a peaceful town can be so invested by guns as to force a surrender without bloodshed and

without the firing of a gun by either party. The investment would nevertheless be an act of war. The movement of troops to take a better position in view of hostilities would be war. The order to move would be the first act of war. The official inauguration of war may be made by one party, and the first gun may be fired and the first blood may be drawn by the other. An assault with intent to murder may precede any blow. The defense by the assailed party may be the first blow struck. The justification is that the blow was struck against one who manifestly intended to kill. Anderson expressed the wish that "South Carolina will not attempt to take the forts by force but will resort to diplomacy to secure them. (Records I, 76.) He also asked for special instructions, "As my position here is rather a politico-military than a military one." The conclusion from all these occurrences is, that the State intended to secede peaceably, and "that the United States intended to make secession impossible."

The commissioners of South Carolina, having wholly failed in the negotiations with which they were intrusted, reported the entire correspondence between themselves and the United States executive, and the convention having concluded its work adjourned the 5th of January, 1861.

It is a noteworthy incident of the times that on the 21st of December, the day after the secession of South Carolina, and nearly a week before the occupation of any fort by South Carolina, Mr. Lincoln wrote the following letter to Mr. E. B. Washburne, marked "Confidential" but given to the public in 1885:

"Springfield, Dec. 21, 1860.

Hon. E. B. Washburne,

My Dear Sir:—Last night I received your letter giving an account of your interview with Gen. Scott, for which I thank you. Please present my respects to the General and tell him confidentially I shall be obliged to

him to be as well prepared as he can to either hold or retake the forts as the case may require at and after the inauguration.

Yours, as ever,

A. LINCOLN."

On the next day, December 22d, 1860, Mr. Lincoln wrote to Mr. Stephens, of Georgia, a letter marked "For your eye only," in which he asks, "Do the people of the South entertain fears that a Republican administration would directly or indirectly interfere with the slaves, or with them about their slaves? If they do I wish to assure you as once a friend and still I hope not an enemy, that there is no cause for fears." (War between the States I, 267.)

Taking up again the proceedings of Congress for brief review, the severe charge made against it by President Buchanan may be recalled that it "deliberately refused throughout the entire session to pass any act or resolution either to preserve the Union by peaceful measures or to furnish the President or his successor with a military force to repel any attack which might be made by the Cotton States." In his opinion the opposing parties instead of presenting the peaceful aspect becoming the representatives of a great confederacy assembled to promote the various interests of their constituency, breathed nothing but mutual defiance. Severe as this indictment is, it was evidently made upon the evidence furnished by speeches and ballots influenced rather by ambitious dreams of party supremacy, than by patriotism. Northern statesmen either did not appreciate the danger or were willing to hazard everything on the chances of war. Yet the charge is too generally sweeping to be accepted as history. Resolutions were offered, other forms of legislation were attempted and there were occasions when the change of a few votes would have stayed secession and restored the Union.

The most prominent of these opportunities were fur-

nished by the resolutions offered in the Senate and also to the committee of thirteen by the venerable Crittenden. This Senate committee of thirteen unfortunately met late in December, not assembling until action had been taken by South Carolina. In fact not only the preceding three weeks of the congressional session, but months of irritating canvass for the presidency, had been employed more in facilitating the disruption, than in efforts to restore the distracted country to a state of harmony. The President next waited for Congress, and Congress on assembling threw the responsibility upon the Northern States, without considering that these States had already acted and could not now be brought to consider a compromise early enough to arrest the movement of secession which was necessarily swift.

The Senate committee of thirteen was composed of five Republicans from the North, three Northern Democrats and five senators from the South, eight members of the committee being from the North, three from the border States of Kentucky and Virginia and the other two from the Cotton States, Georgia and Mississippi. Only three of the committee were from the States which united in the Confederacy. Thus it may be seen that the committee as appointed by Breckinridge was constituted to prevent secession. Upon assembling the committee agreed that the sanction of at least a majority of five Republican committeemen was absolutely required to any report. It was therefore "resolved that no proposition shall be reported as adopted unless sustained by a majority of each of the classes of the committee." This resolution placed the responsibility together with the power of controlling the action of the committee on only three Republican supporters of the President-elect.

Mr. Crittenden submitted to the committee the same joint resolution which he had presented to the Senate, and which is known in the history of the times as the Crittenden Compromise. The resolutions "proposed

that the South should surrender their adjudged right to take slaves in all our territories, provided the North would recognize this right in the territories south of the old Missouri Compromise line." This amendment offered terms to the North far less favorable to the South than their existing rights under the decision of the Supreme Court, and "yielded everything to the North except a mere abstraction." (Buchanan.) Mr. Crittenden said: "Peace and Harmony and Union in a great nation were never purchased at so cheap a rate as we now have it in our power to do." In legal effect the Crittenden Compromise proposed to restore and make constitutional the old Missouri Compromise, and in practical operation it turned "over all the vast territories of the United States to perpetual freedom with the single exception of New Mexico." (Buchanan.) The pitiable treatment in committee and Congress of the pacific propositions of the senior senator demonstrated the irrepressibility of the conflict, and made the existence of the Confederate States an inevitable event. The five Republican senators on the committee without exception voted down the Compromise. Mr. Toombs and Mr. Davis, from the Cotton States, voted with these five Republican senators because of the rule established by the committee requiring a majority of these five to vote in favor of any proposition to have it embodied in the report. Under this rule the vote of these five would alone have defeated any action of the committee, without the vote either way of the two senators from the extreme South. Mr. Douglas said, "In the committee of thirteen every member from the South, including those from the Cotton States, Messrs. Toombs and Davis, expressed their readiness to accept any proposition of my venerable friend from Kentucky as a final settlement of the controversy if tendered and sustained by the Republican members. Hence the sole responsibility of our disagreement and the only difficulty in the way of an amicable adjustment

are with the Republican party." (Douglas in appendix to Cong. Globe, p. 41.) The speeches and votes of these two Southern senators confirmed the statement made by the distinguished Illinois senator and justified the declaration made by Senator Pugh, of Ohio, and other Northern statesmen that "if the Crittenden Compromise had been passed early in the session it would have saved all the States except South Carolina."

A dark hour befell the country on the reading in the Senate December 31, 1860, of the following report of the Committee: "The Committee of Thirteen appointed by the order of the Senate on the 20th inst. have agreed on the following resolution and report the same to the Senate: Resolved, That the committee have not been able to agree upon any general plan of adjustment and report that fact to the Senate together with the journal of the Committee."

It is unnecessary to follow the action of Congress on the renewed efforts made to pass the Crittenden Compromise in any form, it being enough to record in advance that on the 16th of January, 1861, three days before the secession of Georgia, the whole question was dealt with in cruel frivolity by a strict party vote on a motion to strike out the entire preamble and resolution of Mr. Crittenden and insert as a substitute a preamble and resolutions of a directly opposite character and in accordance with the Chicago platform on which Mr. Lincoln had been elected. (Con. Globe, 409.) It was the spirit and purpose of such action as this which forced further secession and the consequent confederation of seceded States.

CHAPTER IX.

COERCION AND ITS CONSEQUENCE.

POLICY FORESHADOWED IN DECEMBER, 1860—WAR LIKE PREPARATIONS—STAR OF THE WEST HIRED TO REINFORCE SUMTER—SOUTHERN LEADERS GROW HOPELESS OF PEACE—NORTHERN LEADERS OPPOSE COMPROMISE—CRITTENDEN, DAVIS, TOOMBS AND OTHERS URGE CONCILIATION—VIRGINIA TO THE RESCUE—BORDER STATES DECLARE AGAINST COERCION—SECESSION OF SEVERAL STATES—PEACE CONGRESS—"PEACE HATH NO VICTORIES."

THE last weeks of the year 1860 produced no event which betokened a peaceful solution of the controversy between North and South. On the contrary, nearly all events combined to increase the discontent and make secession and a Southern Confederacy certain. For nearly a decade the causes had been accumulating with convergent tendency to the result now near at hand. The Union was the resultant force of compromises ordained in the Constitution. Disunion was the effect produced by unpatriotic breach of these unifying principles. The Union was made possible in its beginning by the superintending presence of non-partisan patriotism. Disunion was decreed in 1860 by the necessities of party policy. There was good practical politics in the earnest charge, December, 1860, of the President-elect, Mr. Lincoln, to Senator Washburne, to prevent all compromise which would demoralize the party. The advice meant that there should be no settlement except on the terms of the late party platform,—a political manifesto made by a bare majority of States, all Northern, assembled in

a party convention, and voted down by nearly two-thirds of the people of the Union. The platform must now be taken as the condition of agreement and accepted as the policy of the general government. It must be insisted on as the substitute for the Crittenden Compromise; and it was thus presented as appears by the vote on the Clark amendment. The Buchanan cabinet had been first discordant, then disintegrated and afterward unified upon the policy finally adopted by the President. General Scott, the head of the army, had actively urged his proposition to relieve the President, Secretary of War and Congress from political responsibility by a movement on his own official account to strengthen the garrison at Fort Sumter. On the 30th of December, he wrote to the President for permission "without reference to the war department and otherwise as secretly as possible to send two hundred and fifty recruits from New York harbor to reinforce Fort Sumter, together with some extra muskets, rifles, ammunition and subsistence stores," and next day, the 31st, he sent an order to the commanding officer at Fort Monroe "to put on the sloop of war, Brooklyn, four companies of at least four hundred men with twenty-five extra stands of arms complete, destined to reinforce Fort Sumter," adding, "manage everything as secretly and confidentially as possible." It is presumable that his suggestions of the day before had been agreed to.

The policy of coercion by sea having clearly been foreshadowed by the course of the administration, the secretary of war, Mr. Floyd, sent in his resignation, and the position was filled at once by Mr. Holt, who favored the President's plans. Thus the year 1860 closed with a hostile order from the general commanding and a change in the head of the war department, which produced excitement and fears throughout the South. Mr. Wigfall telegraphed at once from Washington, "Holt succeeds Floyd. It means war. Cut off supplies of Anderson and take Sumter as soon as possible."

Reinforcement of Fort Sumter being determined and the policy officially declared by Cabinet vote, January 2, 1861, the warlike preparations were at once hastened. Propositions made by Mr. Schultz, of New York, to furnish a vessel had already been made during December, and he was notified on January 2d, that a staff officer would see him the next day "to conclude arrangements." The staff officer, Colonel Thomas, hired the "Star of the West" from Mr. Schultz for $1,250 per day because the movement could be made with this vessel, the "Star of the West," without suspicion. On the same day General Scott directed Colonel Thomas to have three officers and two hundred troops with one hundred extra stands of arms and ample ammunition to be embarked. The orders enjoined complete concealment of the troops when approaching the Charleston Bay, and that Maj. Anderson be instructed to use the guns of Sumter to silence any injurious fire that should be opened upon any vessel bringing reinforcement or supplies to his fort.

These preparations were complete on January 5th, and the "Star of the West" with the troops and supplies sailed, followed by the warship Brooklyn. On the morning of the 9th the well-armed vessel steamed into the bay toward Fort Sumter, and was turned back by the fire of a South Carolina battery. The whole affair was a trivial play that might be classed as comic were it not a part of an awful national tragedy. The scheme concerted between the administration and General Scott was to use, not the Brooklyn, a warship of the navy, but a hired vessel, and thus convey reinforcements secretly into Sumter. If the vessel was permitted to pass the Carolina batteries, Sumter would be reinforced by 200 men, with 300 arms and ample ammunition, and three months' supplies. If fired on the cry would be raised that South Carolina had begun war on the United States by firing on an unarmed vessel carrying provisions to a starving garrison.

These coercive demonstrations beginning during the last days of 1860 and openly pressed in January, 1861, were made known through many sources to the people of the South, and very rapidly increased the strength of the secession movement. The governors of the South seaboard States being fully informed of the purpose of the administration to hold and to garrison the forts on their coasts, took possession of such of them as could be reduced to possession without bloodshed. Elections for delegates to State conventions were held in several States, during these threatening movements of the Federal administration, resulting in the secession of Mississippi January 9th, Florida and Alabama January 11th, Georgia January 19th and Louisiana January 26th. So well satisfied in the beginning of this year were the Southern members of Congress as to the hopelessness of any compromise and the purpose of the new secretary of war to use all the force he could command to coerce the States that certain senators from Georgia, Alabama, Louisiana, Arkansas, Texas, Mississippi and Florida held a meeting in Washington, on January 5th, and agreed to a set of resolutions asking for instructions from their respective States whether they should remain in Congress until the 4th of March, and also declared themselves in favor of immediate State secession, and the early formation of a Confederacy. Mr. Jacob Thompson, secretary of the interior, resigned his office January 8th, as also did Governor Thomas, of Maryland, secretary of the treasury, and General Dix was appointed to the place. The new Cabinet was now composed of Messrs. Black, Dix, Holt, Toucey, Stanton and King, who served in apparent harmony to the end of the term.

The affairs of the United States were in such disorder that on January 8th, the President sent to Congress a message urging its attention to the helplessness of the executive. The treasury was empty and lenders demanded twelve per cent interest; the army was chiefly

in the West, defending the people of the frontier from the Indians; and the vessels of the navy required repairs. He complained again that Congress was delaying the Legislation which would enable him to make aggressive war against States whose hostile attitude, as he termed the procedure of secession conventions, and military preparations in the South, had assumed alarming proportions. He earnestly urged Congress to consider its responsibility, either to declare war or "to remove the grievances that might lead to war."

Mr. Jefferson Davis addressed the Senate on the general issue, proposing to Congress as the proper remedy "to assure the people of the South that you do not intend to use physical force against them, that you intend calmly to consider all the propositions which they make and to recognize the rights which the Union was established to secure; that you intend to settle with them upon a basis in accordance with the Declaration of Independence and the Constitution of the United States. When you do that peace will prevail over the land and force become a thing that no man will consider necessary." No one among the conservative Northern statesmen listening at that moment doubted his sincerity in uttering these words of peace. That he preferred settlement on some basis like that proposed by Senator Crittenden to the secession of Mississippi, whose convention was at the same time debating secession, is beyond all doubt. His overtures in these general terms were in fact understood to mean that he would accept the Crittenden compromise, but to that pacific measure the majority in Congress was unalterably opposed. Had Mr. Trumbull, Mr. Seward, Mr. Fessenden, Mr. Collamer and Mr. Hale or other five only, of such statesmen responded to this spirit of Jefferson Davis, by declaring their readiness to put the Crittenden resolutions in force, it is reasonable to say that secession would have ceased that day, January 8th, the anniversary of Jackson's victory at

New Orleans, from which dates the rise of the United States to political ascendancy. The number five is named because on the will of no greater number the same compromise had been crucified in the Senate committee of thirteen.

But notwithstanding the threatening aspect now presented by both sides, the legislature of Virginia adopted resolutions January 19th, 1861, inviting all States to appoint commissioners to meet in Washington February 4th, to consider and if practicable agree upon some suitable adjustment of the existing unhappy controversies in the spirit in which the Constitution was originally formed. As evidence of its earnestness the legislature appointed from among its most eminent and conservative citizens ex-President John Tyler, William C. Rives, Judge Brockenbrough, George W. Summers, and James A. Seddon to act as commissioners; and in addition selected ex-President Tyler as special commissioner to the President of the United States, and Judge John Robertson to the seceded States. The resolutions were promptly laid before Congress by President Buchanan, accompanied by a message of cordial approval in which he advised Congress to abstain from passing any law calculated to produce a collision of arms pending the contemplated proceedings. But the discussions in Congress were not peace preservative. Mr. Mason expressed his pride in the honorable office which his State had undertaken, but he warned the Senate that collisions of arms would end all negotiations, and declared that no seceded State had withdrawn nor assumed possession of any forts with warlike intent. Mr. Seward on presenting a memorial from citizens of New York praying for Congress to adopt some adjustment, made remarks which excited warm replies. He defined his position in four propositions, which he had recommended to his people as the means for restoring the breaches made in the Union. First, to speak for the Union; next, vote for the Union; third, give money

for the Union; and last, fight for the Union. Mr. Douglas condemned the extremists whose joint efforts, he said, led to the same end. Mr. Clingman, of North Carolina, argued that one of the three contingencies was before the country, either a satisfactory settlement, or a recognition of a peaceful separation, or thirdly, war. The best course, he believed, was to "make an adjustment, next to that, the recognition of the seceding States as independent republics, and the worst of all is war."

The naval appropriation bill contained a clause that authorized the construction of seven ships of war, the passage of which was regarded as irritating the disunion sentiment. Another bill proposed to abolish the ports of entry on the Southern coast, and was resented as an attempt to coerce the South by congressional legislation against the commerce of the South. Mr. Andrew Johnson, of Tennessee, offered amendments to the Constitution providing for election of the president, vice-president, and senators by the people, and to select Supreme Court judges equally from the North and the South.

The Kentucky legislature having assembled on the 17th, adopted the Virginia resolutions, resolved to resist the invasion of the South, but urged the Southern States to arrest the progressing revolution. The legislature declined to call a convention but advised the holding of a national convention to pass resolutions, amending the Constitution. The Missouri legislature passed a bill calling a convention and other measures looking to secession. The governor of North Carolina opened correspondence with President Buchanan on the 8th, involving the subject of the rumored reinforcement of the forts, through which the governor was persuaded that the *status quo* would be observed. The sentiment of the State was described at the time by one of its well-informed citizens as follows: "She would respond to any fair proposition

for an equitable adjustment, but will insist on her rights at all hazards;" and to do this the legislature on the 24th, called a convention. In Arkansas the general sentiment favored the call of a convention, which the legislature on January 16th unanimously ordered. The Union feeling in East Tennessee was strong enough to hold the secession movement under restraint until the invasion of the South was proclaimed by Mr. Lincoln. Texas assembled in convention on the 28th of January, and a few days afterward passed its ordinance of secession. Strong efforts were made in Maryland to induce the governor to call the legislature together, but he was opposed to secession, and refused to issue the proclamation. The other States of the South, South Carolina, Mississippi, Alabama, Florida, Georgia, and Louisiana, had already seceded.

The Peace Conference, composed of twenty-one separate States, met at Washington simultaneously with the assembling of delegates of the seceded States in Montgomery, February 4th, 1861. The seceding States were of course not represented. But the remaining seven States of the South, Delaware, Maryland, Virginia, North Carolina, Tennessee, Kentucky and Missouri, had their ablest men present as commissioners. The six New England States had sent such statesmen as Fessenden, Morrill, Crittenden, Boutwell, Tuck, Ames, Baldwin; New York, New Jersey and Pennsylvania from the middle Atlantic seaboard had their embassadors, while Ohio, Indiana, Illinois, Iowa, and Kansas stood for the West. Wisconsin, Iowa, Michigan, Minnesota, California and Oregon sent no delegates.

The venerable John Tyler, ex-President of the United States, was chosen president and made a strong, patriotic address, containing the pertinent remark, "Your patriotism will surmount the difficulties, however great, if you will accomplish but one triumph in advance, and that is a triumph over party. And what is party when com-

pared to the task of rescuing one's country from danger!" Mr. Guthrie, of Kentucky, opened the important business of the body by moving the appointment of a committee composed of one member from each State to consider all propositions and to report on or before Friday. The committee was appointed, but unfortunately delayed its report ten days, which at last was unanimously agreed to, and was contested in the main body. The first resolution provided for the adoption of the old Missouri Compromise line, absolutely prohibiting slavery north of the line 36° 30′ and leaving its existence in territories south of that line subject to judicial cognizance in Federal courts according to the course of the common law. This proposition received the votes of four Northern States, New Jersey, Ohio, Pennsylvania, and Rhode Island. On the other hand, it was objected to on the first vote by three Southern States, Virginia, North Carolina, and Missouri; Virginia and North Carolina objecting because of the clause which referred the legal status of slavery south of the line to the decisions of Federal courts, while the first clause made prohibition absolute without such reference; while Missouri disliked it because of its old hostility to the dividing line. On the second vote the section was adopted, with New England against it. Important sections of the report which related to the jurisdiction of Congress over slavery in the States and District of Columbia, and to compensate the owners of fugitive slaves where their property could not be repossessed, together with other minor sections of the series, were discussed and variously determined until finally seven sections were passed and presented to the Senate of the United States. The plan differed in several features from the Crittenden resolutions, being still more favorable, as Mr. Buchanan states, to the North, yet the distinguished senator from Kentucky promptly accepted it as a substitute for his own proposition, and eloquently urged its adoption. But the arrogance of a

sectional majority, inflated by the recent triumph, was too powerful to be allayed by the appeals of patriotism or the counsels of wisdom. (Jefferson Davis.)

The communication of the Peace congress was received by the Senate on the 28th of February and referred to a committee, which immediately reported it back without change by a majority vote. Mr. Seward and Mr. Douglas joined in offering a substitute to invite the legislatures of the States to take the subject under consideration and express their will to Congress. Mr. Hunter, of Virginia, moved to substitute the report of the Peace Conference by the Crittenden Compromise. Mr. Crittenden appealed for a vote favorable to either his own plan or that of the Peace congress. "I am for peace, I want to save the country and adjust our present difficulties. I shall vote for the amendments to the Constitution proposed by the convention, and there I shall stand." Mr. Mason declared that his State would deeply deplore that its mediation had not been effective. He believed that in the short time the convention had to deliberate they had done the best they could, but their action would place the Southern States in greater peril if the Constitution were amended as proposed. Mr. Trumbull, of Illinois, rebuked Mr. Crittenden for talking to the North about compromise when there was nothing to compromise about, and said that if he had appealed to the South, which was in rebellion and painted before them the hideousness of the crimes they were committing, calling on them to return to their allegiance and on the government to enforce its authority, we would have a very different state of things in the country. Mr. Pugh, of Ohio, entered the debate with a speech of great force, one statement of which caught particular attention. This was Sunday evening, toward the midnight of the session, when the hours were few until the new administration would be inaugurated. After referring to the fact that the Crittenden resolutions had been endorsed by

several States, he said, "It has been petitioned for by a larger number of electors of the United States. than any proposition that was ever before Congress, and I believe in my heart to-day, that it would carry an overwhelming majority of the people of my State, and of nearly every other State in the Union. Before the senators from Mississippi left the chamber, I heard one of them, who now assumes at least to be President of the Southern Confederacy (Mr. Davis), propose to accept it and to maintain the Union if that proposition could receive the vote it ought to receive from this part of this chamber (the Republican side). Therefore of all your propositions, of all your amendments, knowing that the historian will write it down that at any time before the first of January (1861) a two-thirds vote for the Crittenden resolutions in this chamber would have saved every State in the Union but South Carolina,—Georgia would be here by her representatives, and Louisiana also—those two great States which would have broken the column of secession. Yet, sir, it has been staved off, staved off for your futile railroad bill, and where is it to-night? Staved off by your tariff bill; staved off by your pension bill!" Mr. Douglas concurred in the opinion of Senator Pugh and confirmed the statement that Mr. Jefferson Davis when on the committee of thirteen, was ready at all times to compromise on the Crittenden proposition, and that Mr. Toombs was also.

One vote after another was taken in both houses during the last hours of the session, of which it is remarked "a more conclusive proof of a determination somewhere to prevent every settlement of difficulties by any concession on the part of the North could not be furnished." (American Encyclopedia, 1861, p. 225.)

CHAPTER X.

THE CONFEDERATION OF THE SOUTHERN STATES.

DELEGATES OF SECEDED STATES MEET IN MONTGOMERY—ADOPTION BY CONVENTION OF A PROVISIONAL GOVERNMENT—ELECTION OF OFFICERS—INAUGURATION OF MR. DAVIS AS PRESIDENT—MEASURES ADOPTED—COMMISSIONERS SENT TO WASHINGTON AND TO FOREIGN COUNTRIES—THE CONSTITUTION OF THE CONFEDERATE STATES OF AMERICA.

ON the 4th day of February, 1861, the date on which the Peace Conference met, the delegates from seceded States gathered in the city of Montgomery, Alabama. Seven Independent Republics, each covering territory nearly the extent of some European kingdoms, while all united would make an empire, had commissioned their delegates to form a Union under a written constitution. These Republics were South Carolina, Alabama, Florida, Mississippi, Georgia, Louisiana and Texas. By separate, independent action, each had withdrawn from the United States, and each had determined to form by the union of all in a national form, a Republican Government of Confederate States, whose right to exist should be peaceably recognized by all nations. The Convention was at first composed of forty-three delegates from six States, but subsequently Texas entered, making the seven States of the provisional Confederacy. Within the hall where they assembled were suspended the portraits of Washington, Marion, Andrew Jackson, Clay, and other deceased distinguished American patriots, while living actors in the present great civic event were

among the most eminent of American citizens. The city was full of visitors and the hall was thronged. The occasion was felt throughout the South to be momentous. "Perhaps no assembly of men ever took place under circumstances of greater anxiety and higher responsibility than those which surrounded and pressed upon this convention." Mr. Howell Cobb, who was a leading advocate of the compromise of 1850, elected by the Constitutional Union party of 1851, governor of Georgia, subsequently Democratic member of Congress, and lately Secretary of the treasury of the United States, was chosen chairman of the convention. Mr. J. J. Hooper, of Alabama, an editor and author of fame, was elected secretary. Being notified of his election, and assuming the chair, Mr. Cobb, in a brief address, marked by its absence of all passion, said that the great duty was now imposed upon the convention to provide for the States represented, a good government which will maintain with the United States, "our former confederates, as with the world, the most peaceful and friendly relations, both political and commercial."

The convention adopted rules for its Government which recognized the separate sovereignty of the States and required that the voting shall be done by States. A committee was appointed to present a plan of government for consideration, which reported on the 7th of February a form of constitution for the Provisional Government of the Confederate States of America, by which the country was to be governed until the permanent Government was formed. After a brief discussion, the Constitution was unanimously adopted February 8th, and on the day following, Mr. Cobb, the President of the Convention, was sworn by Judge Walker to support it. The oath was then formally administered to all members on the call by States, and the convention was fully organized for business.

The convention was composed of the following members:

South Carolina.—R. B. Rhett, James Chestnut, Jr., W. P. Miles, T. J. Withers, R. W. Barnwell, C. G. Memminger, L. M. Keitt, W. W. Boyce.

Georgia.—Robert Toombs, Howell Cobb, Benjamin H. Hill, Alexander H. Stephens, Francis Bartow, M. J. Crawford, E. A. Nisbett, A. R. Wright, T. R. R. Cobb, A. H. Kenan.

Alabama.—Richard W. Walker, J. L. M. Curry, Robert H. Smith, C. J. McRae, John Gill Shorter, S. T. Hale, David P. Lewis, Thomas Fearn, W. P. Chilton.

Mississippi.—W. P. Harris, Walter Brooke, A. M. Clayton, W. S. Barry, J. T. Harrison, J. A. P. Campbell, W. S. Wilson.

Louisiana.—John Perkins, Jr., D. F. Kenner, C. M. Conrad, Edward Sparrow, Henry Marshall, A. DeClouett.

Florida.—Jackson Morton, James Powers, J. P. Anderson.

Texas.—L. T. Wigfall, J. H. Reagan, J. Hemphill, T. N. Waul, John Gregg, W. S. Oldham, W. H. Ochiltree.

Under the adopted Provisional Constitution the Congress proceeded at noon, February 9th, to elect the President and Vice-President of the new Republic. The ballots were taken by States, and Mr. Jefferson Davis, who was at his home in Mississippi, received the entire vote for the presidency, as also did Mr. Alexander A. Stephens for the vice-presidency. It may be noted that while the names of other great men of the South had been most favorably mentioned, among them prominently that of Mr. Howell Cobb and Mr. Toombs, yet this prudent Convention turned at length without dissent to the two men who fully represented the cool, firm, conservative sentiment of their section. Mr. Davis had despairingly pleaded before the United States, within less than a month of the assembling of this Southern Congress, for a compromise that would arrest the pending secession of

his State; had given his word to Senators Pugh, of Ohio, and Douglas, of Illinois, specially, that he was ready to vote for the Crittenden resolutions and stand by the Union; and but two weeks before had delivered his calm, courteous and able speech of withdrawal from the Senate in obedience to the will of the State. At the moment of his election to the presidency, he was on his farm, preferring not to be the civic head of the Confederacy, but offering himself if needed, to its military service. Mr. Davis had only followed the secession popular movement. He did not lead it. He was thoroughly convinced of the legality of secession and in complete sympathy with Southern feeling, but he was among the last of the statesmen from the Confederate States to abandon all hope of an adjustment which would save the country from the horrors of war. Mr. Stephens was the leader in the South in 1860 of those who counseled political battle in Union against the triumphant sectional party. To the last moment he stood in Georgia against the passage of the act of separate State secession. He was National in his true sentiment as well as in reputation—a thorough devotee of the Union under the Constitution, and consistently a firm believer in the legal principles of the State-rights school. Upon the secession of his State, he did not hesitate as to his allegiance, but at once heartily and powerfully entered upon the patriotic duty of assisting in directing the actions of States and people to the establishment of constitutional free Government. Upon such men the seceded States placed administrative power, under a constitution like that which the fathers of the great American Union had fashioned. Their election was greeted with great applause by the crowded assembly which witnessed the voting, and was received in all the South with demonstrations of delight. It satisfied the nations of the world that intelligent statesmen were guiding secession, and should have satisfied the North that the Southern States proposed no act of rebellion, nor any hostility to the United States.

The Provisional Congress began at once the operation of government. The President was directed to appoint committees on Foreign Affairs, Finance, Judiciary, Military and Naval Affairs, Commerce, Postal Affairs, Patents and Printing. All laws of the United States in force November, 1860, and not inconsistent with the Provisional Constitution, were continued in operation, and all revenue officers in the States were continued in office. A tariff for raising revenue was put under the immediate consideration of the finance committee. Committees were appointed to notify Mr. Davis and Mr. Stephens of the elections which had taken place. Mr. Stephens being in the Convention as a delegate from Georgia, announced on the 11th his acceptance in a short address declining to discuss the general policy prior to the arrival of the President-elect, and advising attention by the Congress to matters of present practical importance, after which the prescribed oath was administered.

The Vice-President in his address said to Congress, "We can be devoting our attention to the constitution of a permanent government, stable and durable, which is one of the leading objects of our assembling." This great duty was accordingly assigned to a special committee, of which Mr. Rhett was chairman, formed by the appointment of two members from each State, which began its deliberations without delay. A resolution which changed the relations of the separate seceded States to the government of the United States was passed February 12th, providing that the Confederate government takes under its charge all questions now existing between the States of the Confederacy and the United States relating to the occupation of forts, arsenals, and all other public establishments. The States were all requested to cede the forts and other public property of like character to the Confederate government.

The flag of the Confederacy became the subject of some debate on the report of the Flag committee, during

which respectful references were made to the flag of the United States. It was generally argued that the Confederate flag should differ from the Stars and Stripes only enough to make it easily distinguishable. The committee recommended that the flag should be formed of a blue union in the upper left hand corner containing seven stars, and three bars, the central being white, and the upper and lower red. Their recommendation was adopted.

The committee on Military and Naval Affairs was directed to make provisions for such officers as might tender their resignations from the United States army or navy; and the committee on Commerce was instructed to inquire into the subject of navigation laws. Measures were adopted to admit without payment of duties all provisions, agricultural products, living animals and munitions of war. Goods, wares and merchandise purchased in the United States and imported before March 14th, were to enter duty free. Officers connected with the collection of customs at the time of organization of the Confederacy were continued with the salaries and duties attaching to their positions. Collectors and their subordinates were required to give bonds to the Confederate government and to take the oath to discharge their duties and support the Constitution.

The inauguration of Mr. Davis took place on the 18th of February, according to the arrangements of the Congress, and as his enemies at Washington were then charging him with ambition, it is just to let him testify for himself in regard to his elevation to this high position. He says: "As my election had been spoken of as a probable event, and as I did not desire that or any other civil office, but preferred to remain in the post to which I had been elected and still held at the head of the army of Mississippi, I had taken what seemed to me ample precautions to prevent my nomination to the presidency. I accepted the position because I could not decline it,

but with the expectation and intention of soon returning to the field. On my way to Montgomery brief addresses were made by me at various places which were grossly misrepresented at the North as invoking war and threatening devastation. Not deemed worthy of contradiction at the time when problems of vital public interest were constantly presented, these false and malicious reports have since been adopted by partisan writers as authentic history. It is sufficient to say that no utterances of mine, private or public, differed in tone and spirit from my farewell address to the Senate or my inaugural address at Montgomery." (Short History of the Confederacy, p. 60.) On the way from Mississippi to Montgomery Mr. Davis was made the object of the most patriotic demonstrations, which must have satisfied him that the Southern public was gratified by his election. He arrived at Montgomery on Saturday, the 16th, and was welcomed by a popular demonstration marked by enthusiasm well-tempered with the spirit which the gravity of the situation produced. His address from the balcony of his hotel the evening of his arrival was made in response to a general call, and it revealed the flow to which his feelings had risen at the close of his journey. Beginning with "Brethren of the Confederate States of America," as the opening words of the speech, he described the unity of the Southern people in blood and principles and purposes, from which he inferred a government of domestic peace and increasing growth. Touching on "a possible storm of war" he predicted that the clouds would be dispersed and the sun outlive the storm. "If war should come, if we must again baptize in blood the principles for which our fathers bled in the revolution, we shall show that we are not degenerate sons, and prove that Southern valor still shines as bright as in 1776, in 1812, and in every other conflict."

The Capitol hill in the fair city of Montgomery was almost literally covered, early in the morning of the

18th, with companies of soldiers from several States, with citizens from all parts of the South, and adorned by the presence of large numbers of graceful Southern women. The inauguration ceremonies made an imposing pageant, but the interest of the public centered on the inaugural address, whose temperate tone and statesmanlike tenor disappointed such leaders as had hoped the President would be betrayed into some angry utterances. Mentioning the act of secession by the States, he said that "In this they merely asserted the right which the Declaration of Independence of 1776 defined to be inalienable. Of the time and occasion of its exercise, they as sovereigns were the final judges, each for itself. The impartial enlightened judgment of mankind will vindicate the rectitude of our conduct, and He who knows the hearts of men will judge of the sincerity with which we labored to preserve the Government of our fathers in its spirit. Thus the sovereign States, here represented, proceeded to form this Confederacy, and it is by the abuse of language that their act has been called a revolution. They formed a new alliance, but within each State its government has remained. As a necessity, not of choice, we have resorted to the remedy of secession, and henceforth our energies must be directed to the conduct of our own affairs, and the perpetuity of the Confederacy which we have formed. We have changed the constituent parts but not the system of our government. The Constitution framed by our fathers is that of these Confederate States. In their exposition of it, and in the judicial construction it has received, we have a light which reveals its true meaning." The President plainly declared that the Confederacy would meet war with war, and advised Congress to make military and naval preparation for it, but averring his own wishes to be for peace, he said, "If it be otherwise, the suffering of millions will bear testimony to the folly and wickedness of our aggressors."

The Cabinet was soon organized, being composed as follows: Department of State—Mr. Robert Toombs, of Georgia; Department of War—Mr. Leroy P. Walker, of Alabama; the Treasury Department—Mr. Charles G. Memminger, of South Carolina; the Post-office Department—Mr. John H. Reagan, of Texas; the Navy Department—Mr. Stephen R. Mallory, of Florida; the Department of Justice—Mr. Judah P. Benjamin, of Louisiana.

Questions of inter-state commerce somewhat perplexing in their nature demanded immediate solution by the Confederate government. Among them, the most important was the trade that floated on the Mississippi river. The prospect of the shutting up of that river to western trade was alarming and irritating to the States lying above the Confederate border line. The Louisiana convention in appreciation of this alarm had pledged the faith of the State to preserve the navigation of the Mississippi free. Kentucky expressed the fear that unless the free trade policy be adopted the Confederacy will exact duties on goods passing up the Mississippi. This question proved to be one of the most difficult which the Confederate government had to determine; but the knot was cut by an act on February 22d, declaring the free navigation of the river.

A resolution instructing the committee on finance to inquire into the expediency of placing a duty on cotton exported to a foreign country was introduced by Mr. T. R. R. Cobb, of Georgia, who remarked on the power which the South held in its hands as the producer of a staple so necessary to the world. He thought that by embargo we could soon place the United States and Europe under the necessity of recognizing the independence of the Confederacy. Southern cotton was at that time seeking new channels to the sea. It was going up the Mississippi and Ohio rivers and by rail through Tennessee and Virginia to Norfolk. Railroad managers

were beginning to offer inducements to the shipment of cotton, the result of all which would make the blockade of Southern ports by the United States navy of no importance to foreign nations as long as they could get the cotton through these new channels. The question was referred to the Finance committee.

The future relations between the Confederate States and the United States were altogether unascertainable. On the part of the Confederacy it was determined to seek on the first opportunity the establishment of peaceful intercourse between the two nations. Accordingly it was made unofficially public that the Confederate authorities would send commissioners to Washington as soon as it should be intimated that they would be received, and that in the meantime nothing would be done to precipitate hostilities. Mr. Buchanan was understood as desirous at this time, after the affair of the "Star of the West" had failed, to preserve the *status quo* of affairs until the close of his term on the 4th of March. The policy of Mr. Lincoln had not been clearly divulged. But President Davis, acting on the authority given him by the Confederate Congress February 15th, appointed three commissioners to the United States, "clothed with plenary powers to open all negotiations for the settlement of all matters of joint property of any kind, within the limits of the Confederate States, and all joint liabilities with their former associates upon principles of right, justice, equity, and good faith." These distinguished Southern embassadors awaited instructions as to the time of their departure, and when President Davis received late in the month from President Buchanan "through a distinguished senator," an intimation that he would be "pleased to receive a commissioner or commission from the Confederate States, and would be willing to transmit to the Senate any "communication received from them," President Davis hurried Mr. Crawford to Washington to act as special commissioner. Mr. Forsyth immediately

followed, but reached Washington after Mr. Crawford had ascertained that President Buchanan had in a panic recalled his promise and now declined either to receive him or to send any message to the Senate. The worried President said that he had only three days of official life left, and could incur no further dangers and reproaches from the North. (Davis, History of the Confederacy, p. 68.)

President Davis also appointed by authority of the Congress a commission to Europe to represent the Confederate States, especially in England and France, composed of the brilliant William L. Yancey and his associates, Mr. A. Dudley Mann, of Virginia, an accomplished diplomat, and Mr. Yost, of Louisiana.

Further measures were enacted during February and early in March to exempt certain goods from duty; to modify navigation laws; to punish persons convicted of being engaged in the slave trade; to establish additional ports of entry; to perfect the postal system; to provide money for the government; and to raise provisional military forces. An act designed to raise money authorized the President to borrow $15,000,000 payable in ten years, at eight per cent interest, and placed an export duty on cotton to create a fund to pay off the principal and interest of the loan. The military bill authorized the President to employ the militia, military and naval forces of the Confederate States, and ask for and accept the services of not exceeding 100,000 volunteers to serve for twelve months " to secure the public tranquillity and independence against threatened assault."

The Constitution by which the permanent government of the Confederate States of America was formed was reported by the committee and adopted by the Provisional Congress on the 11th of March, 1861, to be submitted to the States for ratification. All States ratified it and conformed themselves to its requirements without delay. The Constitution varied in very few particulars from

the Constitution of the United States, preserving carefully the fundamental principles of popular representative democracy and confederation of co-equal States. The changes which substantially improved the United States system were as follows: The official terms of the President and Vice-President were fixed at six years, and the President was made ineligible for re-election. In all cases of removals, except those of cabinet officers and diplomatic agents, the cause was required to be reported to the Senate by the President. Congress was authorized to admit cabinet officers to seats in either house, with the privilege of debate but without a vote, on any measures affecting their departments. The President was given power to disapprove any appropriation in a bill and approve others in the same bill. The States as such, were empowered to join in improving navigable rivers flowing between or through them. New States were admissible into the Confederation by vote of two-thirds of each house, the Senate being required to vote by States. A Confederate official exercising his functions within any State was subject to impeachment by its legislature, as well as by the House of Representatives of the Confederate States, but in all cases the trial was to be by the Confederate Senate. No act of bankruptcy would be permitted to discharge the debtor from contracts made before the passage of the act. General appropriations of money must be estimated for by one of the heads of the departments, and when this was not done, the appropriation could not be made except by two-thirds vote in both houses. Internal improvements by Congress, and protection to foster special branches of industry were forbidden. Citizens of the several States could not sue each other in the general Confederate courts, but were confined in such suits to the courts of the States. The power of Congress over the territories and the right of citizens of one State to enter any other State with his slave or other property were settled accord-

ing to the views of the South under the United States Constitution. In other respects the compact thus written, from which resulted the Confederate States of America, was modeled upon the great instrument adopted by the founders of the United States. Mr. Davis, who had no direct part in framing this supreme law of the government, declared his belief that it was a model of wise, deliberate statesmanship, and referring to the question so prominent in the discussions of North and South, he remarks, "With regard to slavery and the slave trade the provisions of the Constitution furnished an effective answer to the assertion so often made that the Confederacy was founded on slavery and intended to perpetuate and extend it. Property in slaves already existing was recognized and guaranteed just as it was by the Constitution of the United States, and the rights of such property in the common territories were protected against any such hostile discrimination as had been attempted in the Union. But the extension of slavery, in the only practical sense of that phrase, was more distinctly and effectually precluded by the Confederate than by the Federal Constitution. The further importation of negroes from any country other than the slaveholding States and territories of the United States was peremptorily prohibited, and Congress was further endowed with the power to prohibit the introduction of slaves from any State or territory not belonging to the Confederacy. Mr. Stephens, next in official rank, said concerning this constitution, "The whole document negatives the idea which so many have been active in endeavoring to put in the enduring form of history, that the Convention at Montgomery was nothing but a set of conspirators, whose object was the overthrow of the principles of the Constitution of the United States and the creation of a great slave oligarchy instead of the free institutions thereby secured and guaranteed."

Having completely organized the government and put

in operation all measures necessary for its maintenance, the Confederate Congress adjourned on the 16th of March, at a time when the prospects of a peaceful termination of the questions between the two governments were so strong as to lull the South into an inactivity from which it was soon destined to be disturbed.

CHAPTER XI.

SECTIONAL ADMINISTRATION AT WASHINGTON.

PRESIDENT LINCOLN'S INAUGURATION — MILITARY DISPLAY — CABINET — CONFEDERATE COMMISSIONERS AT WASHINGTON—MR. SEWARD'S DOUBLE DEALING WITH THEM—THE FORT SUMTER REINFORCEMENT QUESTION.

ABRAHAM LINCOLN was inaugurated President of the United States on Monday, March 4th, 1861. For four months the country had been in a state of unrest in consequence of his election difficult to portray so as to be well understood at a date removed by a third of a century from those times of painful occurrences.

Preparations for the inauguration of an unusual and dangerous military character had been made by General Scott to protect the President-elect from dangers wholly imaginary, as has been abundantly proved. Other preparations accorded with the dignity of the occasion when an eminent citizen, duly elected, was to be installed in an office equal to any which a nation may create. Mr. Lincoln's route from Springfield to the capital was made the scene of popular demonstrations, particularly in Philadelphia, where it was determined to convey him secretly into Washington "because General Scott feared he would be assassinated." Mr. Lincoln did not share in these anxieties, as he himself stated, and that there were no "plotters of assassination" is evidenced by the positive testimony of men competent and credible. The lack of proof that any plot of this dastardly kind existed —a plot which would at that time have been utterly

disastrous to the secession movement, if proof of it could have been produced—confirms Mr. Lincoln's sensible opinion of the sensational story.

The President, undisguised, unless a mere cloak and hat be called a disguise, and accompanied by Mrs. Lincoln, made the night journey undisturbed, arriving in Washington unheralded. A sensational correspondent of the Northern press made up the story of the "Scotch cap and the long cloak," as the concealing garb worn to disguise the President-elect, which report was repeated until the equally false invention of the story of the capture of Mr. Davis in disguise was made as an offset.

On inauguration morning regular troops were stationed on Pennsylvania avenue, sharpshooters were posted on the roofs of houses, mounted men were distributed at all corners, policemen had special orders to make arrests, and detectives in ordinary clothes moved among the masses which thronged the avenue. President Buchanan and Mr. Lincoln rode in an open carriage together, preceded by mounted marshals, and escorted by regular cavalry; behind them armed infantry and marines marching by regiments, all of which gave to the scene, says Mr. Stephen Fiske in 1897, an appearance "more like escorting a prisoner to his doom than a President to his inauguration." For this unsightly employment of military force Mr. Lincoln was not responsible. It served to gratify General Scott's love of military display and was of practical political use in impressing the Northern people. Secession was then called the "conspiracy of a cabal," "the plot of traitors," and it had been rumored that the assassination of Mr. Lincoln and the violent seizure of Washington would be the first mad act in the tragedy of the rebellion. It suited the managers of the coercion policy to have this scenic display.

"Little cheering and no enthusiasm greeted the procession," says an intelligent Northern spectator whose sympathies were with the new President. "As they

(President Buchanan and Mr. Lincoln) left the barouche at the steps of the capitol, Buchanan looked very grave, Lincoln, pale and anxious, and both were covered with dust." The inaugural was read distinctly, but without special emphasis, closing with the words: "We are not enemies, but friends; we must not be enemies; though passion may have strained, it must not break our bonds of affection." By the irony of fate, Justice Taney, who had pronounced the Dred Scott decision, administered to Mr. Lincoln the oath of his office to support the Constitution of the United States.

The inaugural, as it was afterwards understood by the South, set forth the purpose of Mr. Lincoln to prevent the dividing of the Union, but its declarations as interpreted by many at the time gave ground for the illusive hope that war would not be made upon the Confederate States. Members of the Confederate Congress on adjourning a week later, impressed by the inaugural with a hope of peace generally expressed this confidence in their States, and thus in some degree arrested Southern military preparations.

The new cabinet was formed by the appointment of William H. Seward, of New York, Secretary of State; Salmon P. Chase, of Ohio, Secretary of the Treasury; Simon Cameron, of Pennsylvania, Secretary of War; Gideon Welles, of Connecticut, Secretary of the Navy; Caleb Smith, of Indiana, Secretary of the Interior; Montgomery Blair, of Maryland, Postmaster General; and Edward Bates, of Missouri, Attorney General. The selections made by President Lincoln from among his recent rivals in the contest for the presidential nomination created some comment. Thaddeus Stevens pronounced the new cabinet an assortment of rivals appointed from courtesy, an Indiana stump speaker, and two members of the Blair family. Cassius Clay said that Lincoln had offered him in writing the post of secretary of war, and that he had relied on the promise, but Seward and the

Southern Whigs persuaded the President not to make the appointment. Weed, Wade and Lovejoy feared that the cabinet would "surrender to the South," while border State supporters of Mr. Lincoln did not like the selection of Blair or Bates. But although Mr. Lincoln had many cabinet troubles, there was evident shrewdness in this selection of his advisers.

The commissioners from the Confederate States, Crawford and Forsyth, lost no time in pressing upon the attention of the new administration the adjustment of existing difficulties "upon terms of amity and good will" which they had been appointed to negotiate. Their communication which was properly addressed to Mr. Seward, secretary of state, set forth the recent facts of secession and then announced that "with a view to a speedy adjustment of all questions growing out of this political separation upon such terms of amity and good will as the respective interests, geographical contiguity and future welfare of the two nations may render necessary, the undersigned are instructed to make to the government of the United States overtures for the opening of negotiations, assuring the government of the United States, that the President, Congress and people of the Confederate States earnestly desire a peaceable solution of these great questions; that it is neither their interest nor their wish to make any demand which is not founded in strictest justice, nor do any act to injure their late confederates."

Mr. Seward had declined on the 11th of March to see Mr. Crawford and Mr. Forsyth even unofficially, and the official communication referred to was delivered sealed on the 13th and on the 15th a "memorandum" by the Secretary was filed in his own office but not delivered to the Southern commissioners in which the view is set forth that the secretary of state cannot in any way admit that the so-called Confederate States constitute a foreign power, and that as his duties are confined to the

conducting of the foreign relations of the country and do not at all embrace questions arising between the several States and the Federal government he cannot hold correspondence with them. The "memorandum" also referred the Confederate commissioners to the inaugural of the President for information as to the policy of his administration. Thus it appears that all negotiation would be waived away by a decision that a State had no way of official access to the general government. The "memorandum," alleged to have been filed on the 13th, was withheld from the public and also from the commissioners, although they were urging an answer. The commissioners were told that "Mr. Seward desired to avoid making any reply at that time." Mr. Justice Nelson, a personal friend of Mr. Seward, gave this information to Mr. Justice Campbell, his associate in the same court, with the assurance that Mr. Seward had a strong disposition for peace. This information caused Judge Campbell, who was a personal friend of the commissioners, to agree to meet Mr. Seward. The meeting took place and after the conference, Judge Campbell informed the commissioners in writing that he "felt entire confidence that Fort Sumter would be evacuated in ten days, and that no measures prejudicial to the Southern Confederate States is at present contemplated." Mr. Seward was informed of this assurance given Mr. Campbell after the interview, and in consequence of this understanding thus brought about, the commissioners ceased all pressure for the answer, meanwhile assuring President Davis of the progress of their mission, and restraining General Beauregard from all military demonstrations at Charleston. At a second later interview, Judge Campbell was again assured by the Secretary that the continued occupation of Fort Sumter was attributable to causes consistent with the intention to fulfill the engagement. The commissioners confiding in these assurances awaited the action of the administration until, alarmed by the outfitting of

a squadron in New York harbor, they again availed of the patriotic mediation of Justice Campbell on the 7th of April, and through him, even after the fleet was on its way to Charleston with instructions to reinforce peaceably or by force, they received from Mr. Seward the misleading message which has gone into history, "Faith as to Sumter fully kept—wait and see."

On the next day, April 8th, the eyes of the commissioners, which had been blinded for twenty-three days, were opened, and they saw that they had been deliberately duped. Another communication was therefore sent by them on the 9th, addressed to Mr. Seward, which recapitulated the transactions of their official sojourn in Washington, and in indignant language boldly said to the Secretary, "had you met these issues with the frankness and manliness with which the undersigned were instructed to present them to you and treat them, the undersigned had not now the melancholy duty to return home and tell their government and their countrymen that their earnest and ceaseless efforts in behalf of peace had been futile and that the government of the United States meant to subjugate them by force of arms. Whatever may be the result, impartial history will record the innocence of the government of the Confederate States and place the responsibility of the blood and mourning that may ensue upon those who have denied the great fundamental doctrine of American liberty that 'Governments derive their just powers from the consent of the governed,' and who have set naval and land armaments in motion to subject the people of one portion of the land to the will of another portion."

Judge Campbell also discovered his own embarrassed position at the same time the eyes of Crawford and Forsyth were opened. On the 7th of April, Mr. Seward had said to him: "Faith as to Sumter fully kept—wait and see." On the next morning he read in the newspaper that a messenger from President Lincoln had already

given notice to Governor Pickens, of South Carolina, that Fort Sumter would be relieved "peaceably or by force." He states in his indignant letter to Mr. Seward that the same paper informed him that Mr. Fox, who had been allowed to visit Maj. Anderson, on the pledge that his purpose was pacific had, on returning to Washington, presented a plan for reinforcing Fort Sumter which had been considered several days by the Cabinet, had been adopted and was being actually put in execution at the moment when Mr. Seward had declared to him "Faith as to Sumter fully kept." Judge Campbell disclosed that in the first conference between himself, Justice Nelson and Mr. Seward, he was much pleased with the Secretary's observations as to the course of the administration. At that interview the general subject of the withdrawal of Maj. Anderson being under consideration, and a proposition being made by Judge Campbell to write to Mr. Davis, the exact words of Mr. Seward in his answer were, "before this letter reaches him Fort Sumter will have been evacuated." Mr. Stephens, whose information may be accepted, gives his opinion that President Lincoln changed his policy as to the inauguration of coercion, and that in the first days of his administration he intended to withdraw the garrison from Fort Sumter. This view is supported by the statement made by an equally observant and intelligent actor in the events of the time, Mr. John Sherman, who says in his "Recollections," page 442, "The period between the 4th of March and the 12th of April was the darkest in the history of the United States. It was a time of humiliation, timidity and feebleness." Rumors were getting abroad that the administration was about to surrender to the South. The war faction in the Republican party was becoming restive on account of the inactivity of the government. Mr. Douglas was ably arguing in the Senate in favor of his resolution of March 15 for amendment to the Constitution and against a war of subjugation. Breckinridge

and Clingman, whose States had hitherto refused to secede, were pleading for the withdrawal of troops from the South with a view to negotiations. The peace feeling was moving northward and invading the ranks of the party of the administration. Intelligence was also given both North and South by telegraph March 14th Fort Sumter would be evacuated. It was from about this date that a change, according to Mr. Stephens' observation, began to take place in the policy of the Federal administration.

Mr. Stephens, in agreement with others, attributes this alteration in the mind of Mr. Lincoln to the pressure brought upon him by that extreme wing of his party which had been already offended by his apparent neglect of them in the formation of his cabinet. An imposing meeting of the war governors of seven States was held to organize a coercive movement by tendering to the President their military and financial support, thus inducing him to adopt a policy which would inevitably lead to war between the States North and South. Mr. Stephens expresses his belief that previous to this organized pressure Mr. Lincoln had determined on at least withdrawing Anderson from Fort Sumter as a tentative movement toward peace and reunion, that course being, according to a Cabinet member's statement, "all the administration can bear." President Lincoln was probably misinformed as to the extent to which Mr. Seward had committed himself and may have been unaware of the double dealing which was being practiced. The commissioners, however, were left without intimation until the 8th of April that their peaceful mission would be rudely thwarted. Mr. Seward stands in the history of this transaction unrelieved from the charge of duplicity. His defense may be on the doctrine that "all is fair in war" and that in diplomacy "words may be used to conceal the truth," but the evidence is ample that he dealt with Judge Campbell and Judge Nelson, and with Messrs.

Crawford and Forsyth in the same manner that he said he himself had once dealt with Jefferson Davis. Mr. Usher, formerly secretary of the interior, tells the following story (in "Reminiscences of Lincoln," p. 80) about a speech made by Mr. Seward: "Referring to a speech that Mr. Oakley Hall had then lately made in the city of New York, Seward said, 'Oakley Hall says that I said in the winter before the war in a speech at the Astor House that the trouble would all be over and everything settled in sixty days.' I would have Mr. Oakley Hall to know that when I made that speech the electoral vote was not counted and I knew it never would be if Jeff Davis believed there would be war. We both knew that he was to be president of the Southern Confederacy and that I was to be secretary of state under Mr. Lincoln. I wanted the vote counted and Lincoln inaugurated. *I had to deceive Davis, and I did it.* That's why I said it would be all settled in sixty days."

It is presumable that the wily secretary of state reasoned again in the same manner only three months later, "I had to deceive these confiding Southern gentlemen, and I did it."

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